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## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter III—Office of Price Stabiliza- tion, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 4 to  
Supplementary Regulation 6]

#### CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

#### SR 6—CEILING PRICES FOR MANUFACTUR- ERS FOR THE SALE OF PAINTS, VARNISHES AND LACQUERS

#### PAINTS AND PASTES CONTAINING LEAD AND ZINC

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Supplementary Regulation 6 to Ceiling Price Regulation 22 is hereby issued.

#### STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 6 (SR 6) permits manufacturers of lead and zinc pastes and ready-mixed paints containing at least 60 percent, by weight, of metallic lead or zinc to pass on, up to 2 cents per pound, the actual increase permitted in the cost of these metals by Amendment 3 to Supplementary Regulation 7 (SR 7) of Ceiling Price Regulation 22 (CPR 22).

Amendment 3 to SR 7 of CPR 22 was issued October 24, 1951, increasing the ceiling prices of chemical compounds containing more than 15 percent of metallic lead and zinc. This amendment specifically included dry lead and zinc pigments which are used extensively in the manufacture of pastes-in-oil and ready-mixed high leaded content paints which account for roughly six percent of the paint produced annually.

Since multiple pigment household paints ordinarily contain much less than 60 percent of lead and zinc, manufacturers, in the main, will be required to absorb the increase in the cost of lead and zinc pigments for such paints. However, the percentage, by weight, of zinc pigment in the zinc paste-in-oil is about 83 percent and the lead pigment content usually ranges from 85 percent to 91 percent for white lead pastes and from

91 percent to 97 percent for red lead pastes. The percentage of lead pigment in ready-mixed high leaded content paints usually ranges from 60 percent upwards. Based upon Federal specifications, 100 pounds of white lead paste-in-oil contain approximately 72 pounds of metallic lead. The increased cost to the paint manufacturer resulting from the increase in lead pigment prices is approximately \$1.44 for every 100 pounds of white lead paste-in-oil. In respect to red lead pastes-in-oil, the increased cost would be even greater.

Producers of these products have, therefore, requested that they be permitted to increase their ceiling prices to reflect the increases in the cost of lead and zinc pigments which they have experienced. Data have been supplied by firms in this industry which show that total costs of manufacturing leaded pastes and zinc and high content leaded paints are less than current ceiling prices. Accordingly, a price increase is granted which reflects the increase in the cost of lead and zinc pigments. Information available to OPS indicates that these price increases will not result in ceiling prices which are in excess of current total costs of manufacturing these products.

A companion supplementary regulation to the General Ceiling Price Regulation (GCPR) permits similar increases in GCPR ceiling prices for these lead and zinc pastes and ready-mixed high leaded content paints.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

#### AMENDATORY PROVISIONS

Supplementary Regulation 6 to Ceiling Price Regulation 22 is amended by adding a new section designated as section 5A, which reads as follows:

Sec. 5A. Ceiling prices for paints and pastes containing lead and zinc. This section applies to you if you manufacture paints, including pastes and semi-pastes, containing at least 60 percent by

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weight of metallic lead or zinc, or both, and applies only to such paints.

(a) *How to compute your tentative ceiling price.* First compute the ceiling price for the formulation using any method contained in this supplementary regulation which you are eligible to use. In other words, determine what would be the ceiling price for that formulation if this section 5A were not part of this supplementary regulation.

(b) *Metals adjustment factor.* (1) Determine the amount by weight of metallic lead or zinc, or both, contained in the formulation.

(2) Determine the increase in the cost of the metallic lead or zinc used by you in the formulation over the highest cost to you of the same quantity of these metals in the period April 1, 1951 to June 24, 1951.

(3) Multiply the amount by weight of metals used as computed in subpara-



graph (1) of this paragraph by the cost increase of the metals as determined in subparagraph (2) of this paragraph, or by 2 cents per pound of metal, whichever is less.

(4) Add the figure arrived at in subparagraph (3) of this paragraph to the tentative ceiling price for the formulation determined in paragraph (a) of this section. The resulting figure is your ceiling price under this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

**Effective date.** This Amendment 4 to Supplementary Regulation 6 to Ceiling Price Regulation 22 shall become effective April 15, 1952.

ELLIS ARNALL,  
Director of Price Stabilization.

APRIL 15, 1952.

[F. R. Doc. 52-4415; Filed, Apr. 15, 1952;  
4:00 p. m.]

[Ceiling Price Regulation 87, Amdt. 1]

**CPR 87—PROCESSED FEATHERS  
SALES TO THE GENERAL SERVICES  
ADMINISTRATION**

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 87 is hereby issued.

**STATEMENT OF CONSIDERATIONS**

This amendment revises section 5 (d) of Ceiling Price Regulation 87 (CPR 87) by providing that sales and deliveries of processed waterfowl feathers to the General Services Administration (GSA) may not be made at prices higher than the applicable dollar-and-cent ceiling prices established for such sales in sections 5 (a), (b), or (c) of CPR 87 unless the feathers have been inspected and found to meet government specifications on or before April 16, 1952.

As originally issued, section 5 (d) provided that any GSA waterfowl feather purchase contract in existence on October 19, 1951, could be performed according to its terms to the extent that, on October 19, 1951, the seller had purchased, or was then legally obligated to purchase, the raw or processed stock with which to complete the contract. Under such circumstances, processed feathers could be delivered to GSA after October 19, 1951, the effective date of CPR 87, at the unit prices specified in a pre-existing contract even though those prices were higher than the applicable dollar-and-cent ceiling prices established in CPR 87.

Waterfowl feathers have been designated a strategic and critical material essential to the defense effort.

Prior to the issuance of CPR 87, the Administrator of the General Services Administration notified the Director of the Office of Price Stabilization of the existence of several GSA contracts that provided for deliveries of processed waterfowl feathers at various times after the proposed effective date of CPR 87. It was stated that deliveries under these

contracts could not be materially accelerated.

The Director was advised that sellers holding these GSA contracts, which in most instances contained prices higher than the dollar-and-cent ceiling prices to be established in CPR 87, had purchased raw feathers to be processed and delivered under them.

The Director determined that, in order to assure GSA of the volume of processed feathers then subject to forward contracts and to prevent possible hardship to those contracting sellers who, in contemplation of the prices specified in their GSA contracts, had purchased or bound themselves to purchase raw feathers, CPR 87 should not operate to invalidate existing GSA contracts.

Since October 19, 1951, the effective date of CPR 87, information has been made available to the Director indicating that feathers purchased for the fulfillment of GSA contracts entered into prior to October 19, 1951, may be sold at the dollar-and-cent ceiling prices of section 5 (a), (b), or (c) without resulting in hardship or inequity to the seller involved.

The OPS Industry Advisory Committee for Processed Feathers and Down has recently recommended that section 5 (d) be revised to provide that, irrespective of any contractual relationship heretofore established, no more deliveries of waterfowl feathers may be made to GSA at prices higher than the applicable dollar-and-cent ceiling prices established by CPR 87.

Moreover, since October 19, 1951, in the face of a sustained rise in the raw stock price level, GSA, operating within the dollar-and-cent ceiling prices established in section 5 (a), (b), and (c), has maintained a rate of procurement equal to that of prior periods. This experience indicates that section 5 (d) is not necessary to assure adequate GSA procurement.

In light of the foregoing considerations, the Director has determined that section 5 (d) should be promptly revised.

Accordingly, this amendment provides that no waterfowl feathers may be delivered to GSA at prices higher than the dollar-and-cent ceiling prices established in section 5 (a), (b), or (c), unless the feathers have been inspected and have been found to meet government specifications on or before April 16, 1952. The exception is made to permit completion of the contracts of those processors who have performed their contracts in accordance with their terms and who are deferring delivery solely to meet delivery schedules established for the convenience of GSA.

The reporting requirement established by this amendment in connection with sales and deliveries of waterfowl feathers under the provisions of section 5 (d) (1), as amended, is essentially an extension, as to the information required, of the reporting requirement originally included under section 5 (d) (3). In addition, however, section 5 (d) (2), as amended, requires a statement of the quantity of each type of feathers involved in a GSA contract subject to section 5 (d) (1), as amended, that GSA has advised the seller in writing, on or before April 16, 1952,

has met the standards of the contract and the requirements of National Stockpile Specification P-82. Any seller subject to this reporting requirement is only required to submit information not previously furnished OPS under section 5 (d) (3).

**FINDINGS OF THE DIRECTOR OF PRICE  
STABILIZATION**

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provision of this amendment may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this amendment.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

**AMENDATORY PROVISIONS**

Ceiling Price Regulation 87 is amended in the following respect:

Section 5 (d) is amended to read as follows:

(d) *Contracts for future delivery.* (1) If, on October 19, 1951, you held a written contract with the General Services Administration providing for future delivery of processed waterfowl feathers, and, on that date, you either owned and had physical possession of, or were legally bound by a written firm commitment to accept, waterfowl feathers to deliver under the contract, you may deliver feathers according to the terms of the contract to the extent that, on or before April 16, 1952, you have been notified in writing by GSA that the processed feathers contracted for have been found, upon inspection, to meet the standards of the contract and the requirements of National Stockpile Specification P-82. After April 16, 1952, all other waterfowl feathers must be delivered to GSA at prices no higher than the applicable ceiling prices established for such sales and deliveries under paragraph (a), (b), or (c) of this section.

(2) Required report of information not previously submitted by sellers subject to subparagraph (1) of this paragraph: If you sell or deliver processed feathers in accordance with subparagraph (1) of this paragraph at prices higher than the applicable ceiling prices established under paragraphs (a), (b), or (c), of this section, you shall on or before April 30, 1952, submit in writing, by registered mail, to the Poultry Branch, Office of Price Stabilization, Washington 25, D. C., such of the following information as you have not previously submitted to the Office of Price Stabilization:



(i) Your name and business address.  
(ii) A certified copy of your contract with GSA.

(iii) The quantity of processed feathers delivered under this GSA contract prior to October 19, 1951.

(iv) The quantity of each type of processed feathers subject to this contract that GSA has advised you in writing, on or before April 16, 1952, has met the standards of the contract and the requirements of National Stockpile Specification P-82.

(v) The quantity and type of raw and processed stock that you owned in inventory on October 19, 1951.

(vi) The name and business address of the person or persons to whom, on October 19, 1951, you were legally bound to accept delivery of raw stocks.

(vii) A certified copy of your written contract with this person or these persons.

(viii) The quantity and type of raw stock delivered under this contract or these contracts prior to October 19, 1951.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

**Effective date.** This amendment is effective April 16, 1952.

**Note:** The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,

Director of Price Stabilization.

APRIL 15, 1952.

[F. R. Doc. 52-4409; Filed, Apr. 15, 1952; 12:13 p. m.]

[Ceiling Price Regulation 116, Revision 1]  
CPR 116—SPECIAL PAPERBOARD (FOOD CONTAINER AND CLOSURE PAPERBOARD, SPECIAL INDUSTRIAL PAPER AND PAPERBOARD, AND CARDBOARD)

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 116, Revision 1 is hereby issued.

#### STATEMENT OF CONSIDERATIONS

This regulation covers sales by manufacturers of special paperboard. The special paperboard industry is composed of three groups of grades—(1) food container and closure paperboard, (2) special industrial paper and paperboard, and (3) cardboard. Ceiling Price Regulation 116 as originally issued, covered only sales by manufacturers of food container and closure paperboard, and this revision does not make any changes in the regulation with respect to such paperboard, except to add one grade, plate dish and tray stock, which was inadvertently omitted.

The changes made by this revision of CPR 116 are as follows: It (1) extends the coverage of the regulation to include special industrial paper and paperboard, and cardboard, and changes the title accordingly; (2) provides separate sections for special industrial paper and paperboard, and cardboard, establishing their

respective ceiling prices; and (3) makes some minor changes in the language and organization of the regulation. In the interest of clarity, a revision of CPR 116, rather than an amendment, is deemed the appropriate method of modification. The statement of considerations accompanying CPR 116 is incorporated herein by reference.

**Description of the product and the industry.** Special industrial paper, paperboard and cardboard are made by about 100 mills which are principally located in the Northeastern area of the United States. This industry is composed chiefly of small non-integrated mills which over a period of years have developed techniques for the manufacture of specialty type products. Some mills limit their production to a relatively small number of products but others produce grades of paper and board classifiable in all of these categories.

Special industrial papers and paperboards are produced in more than 200 grades and are important to the electrical, aircraft, automotive, textile, and other essential industries. Several grades of the paper and board comprising this group are somewhat standardized as to their technical characteristics, but the majority vary markedly between producers and frequently are made to the specifications of the individual customer.

The manufacture of cardboard is not specialized to the same degree as special industrial paper and paperboard, and there are approximately 16 recognized grades. Nevertheless, accurate grade classification is not possible because manufacturers do not uniformly classify their products and a number of grades overlap into the special industrial field. For example, uncoated tag stock is considered to be a special industrial paperboard; coated tag stock, however, is considered to be a grade of cardboard.

It is because of this wide variance in products and product classification, which in some instances reflects differences in methods of manufacture, and difference in transportation allowances that the establishment of specific dollar-and-cent ceiling prices for these industries is not feasible.

**Recent economic developments.** Since World War II the production of special industrial paper and paperboard has greatly expanded. The Bureau of the Census reports that United States production of these grades increased from 272 thousand tons in 1946 to 419 thousand tons in 1951. The production of these kinds of paper and paperboard, unlike most types of paper and paperboard, decreased in the 6 months following the outbreak of the war in Korea. Their monthly rate of output achieved in the first 6 months of 1950 was not exceeded until early in 1951. In the face of this declining output there were increases in the cost of raw materials and other elements of manufacture during the last of 1950.

Since World War II United States production of cardboard has decreased from 89 thousand tons in 1946 to 79 thousand tons in 1951, as mills shifted to more profitable grades of paperboard. Substantial increases in the cost of raw

material (chiefly waste paper) occurred in the 6 months following the outbreak of the war in Korea.

Between the outbreak of the war in Korea and the period January 25 through February 24, 1951, producers of special industrial paper and paperboard increased their prices by about 17 percent; between the latter date and the present they increased their prices an additional 8 percent under CPR 22. For the same periods, the price increases in cardboard were 22 and 1 percent, respectively.

**Summary of the regulation.** This regulation, with a few exceptions, freezes the price of each manufacturer of sanitary food container and closure paperboard, special industrial paper and paperboard, and cardboard at the level in effect during the 45-day period ending at the close of business on January 11, 1952. An exception is made for 8 grades of cardboard the sales of which are seasonal or which are almost entirely produced to customer specification, because the short period would not in all instances permit manufacturers to establish ceiling prices under this regulation and would cause administrative difficulties. For these 8 grades, coated tag, coated playing card, coated bristol (including translucent), coated tough check, coated tuck flap, coated postcard, coated thick china, and photomount, a base period of 6 months ending January 11, 1952 was deemed necessary.

The regulation also provides that freight allowances in effect during the base period must be maintained and that the differentials in effect during the base period may be maintained if they are up-charges and must be maintained if they are in the nature of deductions from the total price.

Under this regulation the ceiling prices for each of the groups covered will be approximately at the level of the weighted average of current prices. These prices will be higher than the weighted average of ceiling prices under the General Ceiling Price Regulation, the prices for foodboard being from 2.3 to 4.0 percent higher, and the prices of special industrials and cardboard 7.7 and .6 of 1 percent higher, respectively. This level of ceiling prices will be well below the level permitted under Ceiling Price Regulation 22.

#### FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period January 25, 1951, to February 24, 1951, inclusive, and just before the issuance of this regulation; and to relevant factors of general applicability.



In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives and five meetings with the Industry Advisory Committee, and consideration has been given to their recommendations. Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

#### REGULATORY PROVISIONS

##### Sec.

1. What this regulation does.
2. Applicability.
3. Ceiling prices for food container and closure paperboard.
4. Ceiling prices for special industrial paper and paperboard.
5. Ceiling prices for cardboard.
6. Differentials.
7. Freight allowances.
8. Special paperboard for which ceiling prices cannot be determined under other sections.
9. Petitions for amendment.
10. Adjustable pricing.
11. Interpretations.
12. Transfer of business or stock in trade.
13. Records.
14. Prohibitions and violations.
15. Evasions.
16. Definitions.

**AUTHORITY:** Sections 1 through 16 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

#### SECTION 1. What this regulation does.

(a) This regulation supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 22 with respect to manufacturers' sales of food container and closure paperboard, special industrial paper and paperboard, and cardboard.

(b) The terms "food container and closure paperboard" or "foodboard", as used in this regulation, cover paperboard used in the manufacture of containers and closures for moist, liquid or oily foods.

(c) The terms "special industrial paper and paperboard" or "special industrial", as used in this regulation, cover some 200 to 300 grades of widely divergent papers and paperboards, most of which are made for a single specific end-use.

(d) The term "cardboard", as used in this regulation, refers to the group of grades of paperboard which are usually lined, laminated or pasted, are .006 or more in caliper and are used for printed matter such as posters, displays, menus, tickets, show cards and announcements.

**Sec. 2. Applicability.** The provisions of this regulation shall apply to all sales within the 48 States of the United States and the District of Columbia by manufacturers of the commodities covered by this regulation.

**Sec. 3. Ceiling prices for food container and closure paperboard.** (a)

Your ceiling price to any purchaser for any grade of food container or closure paperboard listed and described in paragraph (b) of this section shall be the highest price at which you sold or offered to sell such grade (1) to that purchaser or (2) to a purchaser of the same class if no sale or offer was made to that purchaser, during the 45-day base period ending at the close of business January 11, 1952. You shall maintain your base period differentials and freight allowances as required by sections 6 and 7.

(b) The grades of food container and closure paperboard covered by this section are described below:

(1) *Milk carton stock—Type I.* A dense, tough, bleached chemical pulp paperboard, .009 to .030 in caliper, suitable for forming into containers and waterproofing by application of paraffin either by the converter or in the dairy just prior to filling.

(2) *Milk carton stock—Type II.* A dense, tough, bleached chemical pulp paperboard, .016 to .025 in caliper, suitable for receiving application of vinyl plastic or similar coating when in roll or blank form and suitable for subsequent forming into containers. Smooth surface, high sizing, strength and stiffness are requisite characteristics of this paperboard.

(3) *Liquid-tight container sidewall stock.* A bleached chemical pulp or combination bleached chemical and groundwood pulp paperboard, .010 or more in caliper, suitable for spiral winding on stationary mandrel to form sidewall of liquid-tight paperboard cans.

(4) *Two-piece cup and round nested food container stock.* A bleached chemical pulp paperboard, .0065 to .026 in caliper, 90 to 350 pound (24" x 36"—500) basis weight, hard-sized and having sufficient bending qualities to permit folding, crimping, beading, and forming into food containers with tapering sidewalls.

(5) *Milk bottle plug cap stock and liquid-tight container top and bottom stock.* A chemical, groundwood or combination chemical and groundwood pulp paperboard, lined or unlined. Usually a stiff, hard-sized board with good printing and die-cutting properties.

(6) *Milk bottle hood and lip cover stock.* A bleached chemical pulp paperboard used in fabrication of sanitary protection type of closure for milk bottles. The hood type which comes down on the neck of the bottle requires a relatively stiff board of approximately .009 caliper which is receptive to plastic coating. The lip cover type requires a board from .025 to .028 caliper with good molding qualities and receptibility to waxing. Both types must have good printing surface.

(7) *Cup lid stock.* A solid bleached chemical or combination chemical and groundwood pulp paperboard of .025 caliper or greater, having stiffness, and good printing and die-cutting properties.

(8) *Solid bleached carton stock.* A solid bleached chemical pulp paperboard; usually water finished; made on Fourdrinier or cylinder machines, generally used for making ice cream cartons, factory filled ice cream pails, frozen food cartons, meat packages, carry-out ice cream pails and food pails, and for

other food containers; usually paraffined and suitable for packaging moist, liquid, and oily foods.

(9) *Double bleached lined carton stock.* A double bleached lined paperboard; usually water finished cylinder machine board. It is used for making various types of ice cream packages and other food containers which are usually paraffined.

(10) *Single bleached lined carton stock.* A single bleached lined paperboard; usually water finished cylinder machine board used for making butter, oleo, lard, and shortening cartons, frozen food packages, carry-out ice cream and food pails, and other food packages which are usually paraffined.

(11) *Solid wood pulp board.* A solid wood pulp board usually made from virgin pulp consisting of a major proportion of mechanical pulp and a minor proportion of chemical pulp or its equivalent, and generally used for making paper plates, closures, coasters, protective separators and other similar products.

(12) *Meat board and meat tray stock.* Meat board and meat tray stock may be made of solid bleached chemical or a combination of chemical and groundwood, or all groundwood pulp, so treated as to resist penetration of blood, grease, meat juices, and moisture. Stiffness is a requisite characteristic of this board.

(13) *Plate dish and tray stock.* A solid bleached or single or double bleached lined cylinder machine paperboard used for making plates, dishes, and trays.

(c) Within 45 days of the effective date of this regulation, you shall file with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., (1) a complete schedule of the freight allowances employed by you during the base period, and (2) a list of your base period differentials on a dollar and cent basis with a clear statement of the manner in which they were applied during the base period. If you have previously filed this information with the Office of Price Stabilization, you need not refile but you shall notify the National Office thereof, making specific reference to the date of filing.

**Sec. 4. Ceiling prices for special industrial paper and paperboard.** (a) Your ceiling price for any grade of special industrial paper or paperboard covered in paragraphs (b) and (c) of this section shall be the highest price at which you sold or offered to sell such grade (1) to that purchaser or (2) to a purchaser of the same class if no sales or offers were made to that purchaser, during the 45-day base period ending at the close of business January 11, 1952. You shall maintain your base period differentials and freight allowances as required by sections 6 and 7.

(b) The grades of special industrial paper and paperboard covered by this section are usually solid (unlined, unpasted, and unlaminated) paper or paperboard made for a single specific end-use and customarily considered by you to fall under the general classification of Special Industrial Paper and Paperboard. Some grades are made either



solid, lined, pasted, or laminated. Examples of special industrial papers and boards to which this regulation applies are as follows:

1. Abrasive paper base stock.
2. Cable paper.
3. Electrical insulation and armature paper and paperboard (other than wire and cable insulating).
4. Gasket paper and paperboard (including wet machine).
5. Stencil backing paper and stencil board.
6. Tabulating card stock.
7. File folder stock.
8. Tag stock, including manila board.
9. Wallet and patch stock (other than red patch).
10. Red patch.
11. Pressboard (including imitation pressboard and pressboard made on wet machine).
12. Tympan.
13. Vacuum cleaner filter paper.
14. Industrial filter paper.
15. Stereotype matrix paper.
16. Resin impregnating stock.
17. Die wiping stock.
18. Artificial leather paper or paperboard stock.
19. Masking tape base stock.
20. Other special industrial paper and paperboard reported by you on the National Production Authority Forms Nos. 21, dated January 29, 1951, or M-14-A, issued by the U. S. Department of Commerce, Bureau of Census.

(c) If you make grades of special industrial paper or paperboard in addition to those covered in paragraph (b) of this section, or if some of the grades made by you and listed in paragraph (b) are covered by some other appropriate regulation, such as CPR-88—Unbleached Kraft Paper, you shall so notify the Director of Price Stabilization by filing (defined in section 16) with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., a complete list of these grades within 30 days of the effective date of this revised regulation, stating (1) the grades not listed in paragraph (b) but made by you and considered by you as special industrial paper or paperboard and therefore covered by this regulation, and (2) the grades listed in paragraph (b) and made by you but considered by you as covered by some other OPS regulation, giving the number of the regulation for each such grade. Until you are advised otherwise by the Director, your filing will establish whether this or some other regulation covers these particular grades. If you have already filed this information with the Office of Price Stabilization in answer to its letter dated February 6, 1952, you need not refile, and your answer may be amended within 30 days of the effective date of this revised regulation.

**SEC. 5. Ceiling prices for cardboard.** (a) Your ceiling price for any grade of cardboard covered by this section shall be the highest price at which you sold or offered to sell such grade (1) to that purchaser or (2) to a purchaser of the same class if no sales or offers were made to that purchaser, during the 45-day base period ending at the close of business January 11, 1952, except that for the following grades your base period shall be the 6 months period ending at the close of business January 11, 1952; coated tag, coated playing card, coated

bristol (including translucent), coated tough check, coated tuck flap, coated postcard, coated thick china, and photo-mount. You shall maintain your customary differentials and freight allowances as required by sections 6 and 7.

(b) The grades of cardboard to which this section applies are usually lined, laminated or pasted grades of .006 caliper or more. They may be coated or uncoated and are largely used for printed matter. Each grade may have many end uses. The grades of cardboard covered by this regulation are as follows:

1. Mill blanks, clay coated blank and tag stock
2. Advertisement board (poster, placard, railroad, car card, signboard, etc.)
3. Photomount (easel, soft folder, insert picture backing, etc.)
4. Bogus bristol (duplex, colored, ticket, process, receipt, etc.)
5. Playing card stock
6. Thick china
7. Tough check
8. Other cardboard reported by you on National Production Authority Forms Nos. 21, dated January 29, 1951, or M-14-A, issued by the U. S. Department of Commerce, Bureau of Census.

**SEC. 6. Differentials.** (a) If, during the base period, you applied differentials to the grades covered by this regulation for quantity, special caliper, special strength, special roll dimensions, special sheet size, special finish, special sizing, special color or brightness (including use of additives such as pigment or titanium), special wrapping, warehousing or handling, or other special characteristics or requirements involving a difference in cost, you may add or shall subtract the same differentials in the same manner as you did during the base period.

(b) For a differential not applied by you during the base period, you shall use the list or written offering price for such differential effective during such period. If no list or written offering price for such differential was in effect during the base period, an application for approval of a differential shall be filed (defined in section 16) with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C. This application shall contain your full name and address; one or more comparable differentials applied or offered by you during the base period; the unit direct cost of rendering the added service or imparting the special characteristics to the paperboard; the proposed ceiling price in dollars and cents of the new differential. Unless your application is disapproved or revised by the Director within 15 days of the date of the return receipt (or date of receipt by the Office of Price Stabilization, if application is delivered by hand), it may be considered approved subject to non-retroactive disapproval or modification at any later time by the Director of Price Stabilization. In the event that more information is required, you may not sell until 15 days after filing the additional information.

(c) The differentials established under the provisions of this section shall apply only to you and may not be used by any other manufacturer without the special authorization of the Director of Price Stabilization.

**SEC. 7. Freight allowances.** You shall continue to allow at least the same dollar and cent freight allowances that you allowed during the base period for your various types of sales and to your different classes of purchasers.

**SEC. 8. Special paperboard for which ceiling prices cannot be determined under other sections of this regulation.** (a) If you wish to sell a grade of food container and closure paperboard, special industrial paper and paperboard, or cardboard which you did not sell or offer to sell during the base period, your ceiling price shall be established by filing (defined in section 16) with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., an application containing the following information:

- (1) Name and address of applicant;
  - (2) Name and description of grade for which a ceiling price is requested, i. e., description of furnish, caliper, or basis weight, test, color (brightness), and other specification data;
  - (3) Sample of that grade, if available;
  - (4) Proposed ceiling price;
  - (5) Name of nearest related grade of special paperboard made by you;
  - (6) Cost comparison with nearest related grade made by you;
  - (7) Statement explaining why the proposed ceiling price is in line with other ceiling prices established by this regulation;
  - (8) Statement to the effect that establishment of a temporary ceiling price is requested if the grade in question is in a development or experimental stage.
- (b) You may not sell the grade of special paperboard described in paragraph (a) of this section until the Director of Price Stabilization establishes a ceiling price for it. If the Director does not establish a ceiling price within 15 days from the date of the return receipt of the application (or date of receipt by the Office of Price Stabilization if the application is delivered by hand), the ceiling price requested may be deemed to be approved subject to non-retroactive disapproval or revision at any later time by the Director. In the event that more information is required, you may not sell until 15 days after filing (defined in section 16) the additional information.

**SEC. 9. Petitions for amendment.** If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

**SEC. 10. Adjustable pricing.** Any person may agree to sell or may sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Stabilization, agree to sell or sell at prices to be adjusted upward in accordance with any increase in a ceiling price after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purpose of the De-



fense Production Act of 1950, as amended.

**Sec. 11. Interpretations.** If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

**Sec. 12. Transfer of business or stock in trade.** If the business, assets or stock in trade of any business are sold or otherwise transferred after the date of issuance of this regulation and the transferee carries on the business or continues to deal in the same type of commodities in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee, with respect to sales of special paperboard, shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available for so long as the Defense Production Act of 1950, as amended, remains in effect or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

**Sec. 13. Records—(a) Base period records.** On and after the effective date of this regulation for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall maintain and keep for examination by the Director of Price Stabilization all your existing records relating to prices which you charged for commodities covered by this regulation which you sold or offered to sell at a definite price during the base period. These records shall include your price lists, differentials and freight allowances.

**(b) Current records.** On and after the effective date of this regulation, for a period of two years after each sale, you and the purchaser shall maintain and keep for examination by the Director an invoice rendered by you to the purchaser within 10 days of shipment, stating the name and address of the seller, the name and address of the buyer or consignee, if other than the buyer, the f. o. b. point, date of sale, the price charged per unit of sale, the quantity sold, the name of the commodity as described in this regulation, and the applicable count or ream weight, basis weight, caliper or test. Any transportation charge or allowance shall be stated separately.

**Sec. 14. Prohibitions and violations.** (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course or trade or business shall buy

from you at a price higher than the ceiling prices established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

**Sec. 15. Evasions.** Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of services, cross sales, transportation arrangements, premiums, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

**Sec. 16. Definitions.** The terms appearing in this regulation, unless the context clearly requires a different meaning, shall be construed as follows:

**Base period.** This term means the 45-day period ending at the close of business January 11, 1952, except that, in the case of the eight grades listed in section 5 (a) of this regulation, it means the six months period ending at the close of business January 11, 1952.

**Director.** This term refers to the Director of Price Stabilization or his duly authorized representatives.

**File.** This term means to submit by registered mail, return receipt requested, or deliver by hand.

**Foodboard.** This term is a shortened form of, and is used interchangeably with, the term "food container and closure paperboard".

**Groundwood (mechanical) wood pulp board.** This term means paperboard made of at least 50 percent pulp which has been produced by grinding wood against a pulp stone.

**Manufacturer.** This term means any person who produces from any raw material any of the commodities or products covered by this regulation, and includes the agents and representatives of such person.

**Offer to sell.** This term means a written offer, including a price list which has been published or circulated to the trade or your salesmen, to sell the commodity at a definite sales price.

**Person.** This term includes any individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing and the United States or any other Government or their political subdivisions or agencies.

**Purchaser of the same class or class of purchaser.** This refers to your own practice of setting different prices for sales to different purchasers or groups of purchasers. It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

**Sell.** This term includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "buy", "purchase", and "purchaser", shall be construed accordingly.

**Solid bleached chemical pulp paperboard or bleached chemical pulp paperboard.** This term means paperboard made of at least 85 percent bleached pulp which has been produced by a chemical (as opposed to mechanical) process, such as sulphate, sulphite and soda process.

**Special industrial.** This term is a shortened form of, and is used interchangeably with, the term "special industrial paper and paperboard".

**Special paperboard.** This term refers to food container and closure paperboard, special industrial paper and paperboard, and cardboard.

**You.** This term means the person subject to this regulation; "your" and "yours" shall be construed accordingly.

**Effective date.** This regulation shall become effective April 21, 1952.

**NOTE:** The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

ELLIS ARNALL,  
Director of Price Stabilization.

APRIL 15, 1952.

[F. R. Doc. 52-4414; Filed, Apr. 15, 1952;  
4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 98]

GCPR, SR 98—INCREASE IN CEILING PRICES FOR PAINTS AND PASTES CONTAINING LEAD AND ZINC

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 98 to the General Ceiling Price Regulation is hereby issued.

#### STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation



(GCPR) permits manufacturers who have elected to remain under the GCPR and who manufacture lead and zinc pastes and ready-mixed paints containing at least 60 percent by weight of metallic lead or zinc, or both, to pass on the increase up to 2 cents per pound in the cost of these metals.

Supplementary Regulation 75 (SR 75) to the GCPR was issued October 24, 1950, increasing the ceiling prices of chemical compounds containing more than 15 percent of metallic lead and zinc. This supplementary regulation specifically included dry lead and zinc pigments which are used extensively in the manufacture of pastes-in-oil and ready-mixed high leaded content paints which account for roughly six percent of the paint produced annually.

Since multiple pigment household paints ordinarily contain much less than 60 percent of lead and zinc, manufacturers, in the main, will be required to absorb the increase in the cost of lead and zinc pigments for such paints. However, the percentage, by weight, of zinc pigment in the zinc paste-in-oil is about 83 percent and the lead pigment content usually ranges from 85 percent to 91 percent for white lead pastes and from 91 percent to 97 percent for red lead pastes. The percentage of lead pigment in ready-mixed high leaded content paints usually ranges from 60 percent upwards. Based upon Federal specifications, 100 pounds of white lead paste-in-oil contain approximately 72 pounds of metallic lead. The increased cost to the paint manufacturer resulting from the increase in lead pigment prices is approximately \$1.44 for every 100 pounds of white lead paste-in-oil. In respect to red lead pastes-in-oil, the increased cost would be even greater.

Producers of these products have, therefore, requested that they be permitted to increase their ceiling prices to reflect the increases in the cost of lead and zinc pigments which they have experienced. Data have been supplied by firms in this industry which show that total costs of manufacturing leaded pastes and zinc and high content leaded paints are less than current ceiling prices. Accordingly, a price increase is granted which reflects the increase in the cost of lead and zinc pigments. Information available to OPS indicates that these price increases will not result in ceiling prices which are in excess of current total costs of manufacturing these products.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

#### REGULATORY PROVISIONS

Sec.

1. Applicability.
2. Ceiling price adjustment on paints and pastes containing lead and zinc.
3. Applicability of the General Ceiling Price Regulation.

**AUTHORITY:** Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV,

64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

**SECTION 1. Applicability—(a) Persons covered.** This supplementary regulation applies to you only if you are a manufacturer of paints, including pastes or semi-pastes, containing at least 60 percent by weight of metallic lead or zinc, or both, and if you have elected to establish your ceiling prices for these commodities under the General Ceiling Price Regulation.

**(b) Commodities covered.** This supplementary regulation applies only to those paints, including pastes or semi-pastes, which you manufacture, and which contain at least 60 percent by weight of metallic lead or zinc, or both.

**Sec. 2. Ceiling price adjustment for paints and pastes containing lead and zinc.** You may adjust your ceiling prices for the sales of the paints and pastes defined in section 1 (b) above in the following manner:

**(a)** Determine the amount by weight of metallic lead or zinc, or both used in the formulation.

**(b)** Determine the increase in the cost to you of the metallic lead and zinc used in the formulation over the highest cost to you of the same quantity of these metals from December 19, 1950 to January 25, 1951.

**(c)** Multiply the amount by weight of metals used as determined in (a) by the cost increase of the metals as determined in (b), or by 2 cents per pound, whichever is less.

**(d)** Add the figure arrived at in (c) to your present GCPR ceiling prices for the formulation. The resultant figure is your adjusted ceiling price for this formulation under this supplementary regulation.

**Sec. 3. Applicability of the General Ceiling Price Regulation.** Except as modified by this supplementary regulation, all the provisions of the GCPR remain unchanged in their applicability to paints and pastes as described in section 1.

**Effective date.** This Supplementary Regulation 98 shall become effective April 15, 1952.

ELLIS ARNALL,

Director of Price Stabilization.

APRIL 15, 1952.

[F. R. Doc. 52-4416; Filed, Apr. 15, 1952; 4:00 p. m.]

[General Overriding Regulation 10, Amdt. 4]

#### GOR 10—ADJUSTMENT OF CEILING PRICES FOR MANUFACTURERS REDUCTION IN VOLUME; IN LINE PRICING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to General Overriding Regulation 10 is hereby issued.

#### STATEMENT OF CONSIDERATIONS

General Overriding Regulation 10 has required an applicant for adjustment to propose ceiling prices which will not be

substantially out-of-line with the ceiling prices established for other sellers of similar commodities. It was not the intention of this regulation, however, to encourage marginal sellers by allowing a ceiling price to be established above the prevailing prices of others. The requirement that ceiling prices be in line, therefore, has been tightened by deleting the qualifying word "substantially". Moreover, the amendment provides for the situation in which there are no sellers of a similar commodity. In this case, the adjusted ceiling prices must be in line with the ceiling prices of other commodities established under the regulation applicable to the commodity.

This regulation has also provided that the loss from which a manufacturer seeks relief must not be attributable to any of six factors set forth in the regulation. One of these factors is a reduction in volume below the normal economical capacity of his plant. The purpose of this provision was to prevent abnormally high costs from being reflected in adjusted ceiling prices. However, adjustments based on abnormally high costs are restricted by the requirement that the adjusted ceiling prices be in line. Since this "in line" requirement is tightened by this amendment, there is no further need for the limitation with regard to reduction in volume. Accordingly, this amendment removes this limitation.

This amendment also provides that applications by manufacturers whose annual volume is \$250,000 or less shall be filed with the appropriate District Office of the Office of Price Stabilization. The Director of Price Stabilization already has delegated to the Regional Directors of the Office of Price Stabilization the authority to process and act upon such applications. This authority may be redelegated to the District Directors. This delegation, together with the requirement that such applications be filed with the appropriate district office, should expedite the processing of applications of small manufacturers.

Because of the wide coverage of this amendment and the nature of its provisions the Director has not found it practicable or necessary to consult formally with industry representatives, including trade association representatives. However, a number of individual companies have requested action similar to that taken in this amendment.

#### AMENDATORY PROVISIONS

General Overriding Regulation 10 is amended in the following respects:

1. Section 2 (a) is amended to read as follows:

**(a)** A manufacturer may file an application for adjustment under this regulation if:

**(1)** His existing ceiling prices would require him to operate at a loss with respect to the manufacturing operations either for his entire business or for a separate plant or factory, provided that no portion or proration of central office costs or expenses may be included in cal-

<sup>1</sup> Delegation of Authority 43 [16 F. R. 12747].



culating such loss for a separate plant or factory; and

(2) The adjusted ceiling prices for which he applies will not be out of line with ceiling prices established for other sellers of similar commodities. If there are no sellers of similar commodities, the adjusted prices must be in line with the level of ceiling prices established by the regulation to which the commodity is subject.

2. Section 2 (c) is amended to read as follows:

(c) The loss involved will be attributable to the level of his existing ceiling prices and not to any of the following:

(1) Seasonal, temporary or non-recurring factors affecting his operations.

(2) The payment of unlawful wages or excessive salaries, or of unlawful or excessive prices for materials.

(3) The incurring of factory overhead costs or of selling, administrative and general costs, which are abnormally high relative to sales or other costs, unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management.

(4) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from transactions customarily entered into with such affiliated concerns.

(5) Reserves for contingencies, or any other unusual factors.

3. In section 3 the text preceding paragraph (a) is amended to read as follows:

**Sec. 3. Information to be submitted.** A manufacturer seeking an adjustment under this regulation, whose annual volume of net sales for his last complete fiscal year is \$250,000 or less should file his application with the District Office of the Office of Price Stabilization for the District in which his principal place of business is located. Other manufacturers should file their applications with the Office of Price Stabilization, Washington 25, D. C. The application should include the following:

4. Section 7 is amended to read as follows:

**Sec. 7. Definitions.** Unless the context otherwise requires, the term:

(a) "Manufacturer" means any person who is engaged in business other than as a wholesaler or retailer.

(b) "Net sales" means gross sales after trade discounts, less returns, and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

**Effective date.** This Amendment 4 to General Overriding Regulation 10 is effective April 19, 1952.

No. 75—2

**NOTE:** The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,  
Director of Price Stabilization.

APRIL 15, 1952.

[F. R. Doc. 52-4417; Filed, Apr. 15, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63 Area Milk Price Regulation 16]

GCPR, SR 63—AREA MILK PRICE  
ADJUSTMENTS

AMPR 16—KENOSHA MILK MARKETING AREA,  
STATE OF WISCONSIN

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 8105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679) and Redesignation of Authority No. 13 (17 F. R. 172), this Amendment 1 to Area Milk Price Regulation 16 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 955) is hereby issued:

#### STATEMENT OF CONSIDERATIONS

Area Milk Price Regulation No. 16, establishing specific dollars and cents ceiling prices for sales of milk products for fluid consumption in the Kenosha, Wisconsin Milk Marketing Area, was issued on a temporary basis to expire on April 15, 1952. As the original Statement of Considerations indicated, the reason for issuing this regulation on a temporary basis was that the available data did not conclusively support the necessity for narrowing the differential between the price of quarts and the price of half gallon containers sold in that area. It was anticipated that the interim period would afford the applicants a sufficient opportunity to present the necessary facts to justify making permanent the higher price granted on half gallon containers on a temporary basis by the previous regulation.

Since the issuance of the temporary order, additional data has been obtained through a cost study made by accountants in this office. This data has demonstrated that the difference in cost of processing and distributing two quarts of milk as compared to the costs of processing and distributing one-half gallon of milk is negligible. Consequently, the action taken in the temporary order was more than justified.

Accordingly, the District Director has concluded that this amendment should be issued in order to make permanent the original order.

In addition, Area Milk Price Regulation 16 has been amended to include sales of raw milk by operators of receiving plants to processors. Operators of such plants will determine their ceiling

prices according to the formula now in use in the area for such sales.

In the judgment of the District Director, the provisions of this Amendment 1 to Area Milk Price Regulation 16 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950 as amended by the Defense Product Act amendments of 1951.

The District Director has given due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950 inclusive; and to all relevant factors of general applicability. The Director has consulted the industry involved to the fullest extent practicable and has given due consideration to its recommendation.

#### REGULATORY PROVISIONS

Area Milk Price Regulation 16, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, is amended in the following respects:

1. The first sentence of the first paragraph of section 3 of AMPR 16 is amended to read as follows:

**SEC. 3. Sales and sellers covered by this Area Milk Price Regulation.** This Area Milk Price Regulation covers all sales and deliveries in the Kenosha Milk Marketing Area of milk products for fluid consumption by operators of receiving plants, processors, distributors and operators of retail stores, excepting sales of packaged cottage, pot and baker's cheese by operators of retail stores.

2. A new section, section 3a, is added to read as follows:

**Sec. 3a. Ceiling prices for sales of raw milk by operators of receiving plants.** If you are an operator of a receiving plant (as that term is defined in section 3 of Supplementary Regulation 63), your ceiling price during any month for sales of raw milk to any processor whose plant is located in the area covered by this regulation shall be the sum of 80 percent of the Class I price and 20 percent of the Class II price announced for that month by the Chicago Federal Milk Market Administrator acting pursuant to the Chicago Federal Milk Marketing Order 16 F. R. 6348, as amended.

3. Section 17 of Area Milk Price Regulation No. 16 is deleted in its entirety.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

**Effective date.** This Amendment 1 to Area Milk Price Regulation 16, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, shall become effective April 15, 1952.

CLEM KALVELAGE,  
District Director.

APRIL 15, 1952.

[F. R. Doc. 52-4410; Filed, Apr. 15, 1952; 12:13 p. m.]



# Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47B, as amended, April 15, 1952]

## M-47B—USE OF CONTROLLED MATERIALS IN CERTAIN CONSUMER DURABLE GOODS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different trades and industries.

NPA Order M-47B of September 28, 1951, as amended by Amdt. 1 of January 14, 1952, is hereby further amended in the following respects:

1. The wording of sections 6, 7, and 9 is changed to conform to comparable provisions in other NPA orders and regulations.

2. A reporting requirement is added as paragraph (c) of section 7, and the former paragraph (c) of that section is redesignated as paragraph (d).

3. Schedule I is deleted, and a revised Schedule I is substituted therefor.

As amended, NPA Order M-47B reads as follows:

### Sec.

1. Purpose.
2. Definitions.
3. Application of this order.
4. Authority to use allotments of controlled materials to produce other products.
5. Prohibited use of copper and aluminum.
6. Request for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

**AUTHORITY:** Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

**SECTION 1. Purpose.** This order has the following purposes:

(a) To provide for a degree of flexibility in the production of certain consumer durable goods, by permitting a CMP allotment received for the production of one product to be used, subject to certain limitations, in the production of a different product.

(b) To prohibit the use of copper and aluminum for certain ornamental and decorative purposes.

**Sec. 2. Definitions.** (a) The following terms shall have the same meaning as given for such terms in section 2 of CMP Regulation No. 1.

- (1) Person.
- (2) Controlled material.
- (3) Industry Division.
- (4) Prime consumer.
- (5) Allotment.
- (6) Class A product.
- (7) Class B product.

(b) "Copper" means any of the copper and copper-base alloy brass mill

products, copper wire mill products, and copper and copper-base alloy foundry products and powder, which are listed in Schedule I of CMP Regulation No. 1.

(c) "Aluminum" means the various types of aluminum listed in Schedule I of CMP Regulation No. 1.

**Sec. 3. Application of this order.** This order applies to any producer of any Class B product in Schedule I of this order. The provisions of section 5 of this order also apply to any person who produces a Class A product for use as a part in any such Class B product, to the extent that such part may contain copper or aluminum. This order does not apply to the production of controlled materials.

**Sec. 4. Authority to use allotments of controlled materials to produce other products.** (a) Notwithstanding the provisions of any CMP regulation, any prime consumer, who has received from an Industry Division an allotment of any iron and steel, copper, or aluminum in the controlled material forms and shapes listed in Schedule I to CMP Regulation No. 1 for the production, during any calendar quarter, of any Class B product in Schedule I of this order, may, during such quarter, use all or part of such allotment, and the rating authorized for use in connection therewith, for the production of any other Class B product or products included in the same group in Schedule I as is the product for which the allotment was received, if each of the other Class B products which the allotment is used to produce is either (1) one for which he also received an allotment for such quarter from an Industry Division, or (2) one which he has produced, for purpose of sale, on or after July 1, 1949. In all other respects, the provisions of CMP regulations shall apply to such production.

(b) Nothing in this section shall be deemed to increase or to serve as a basis for increasing the amount of any controlled material allotted to any person for production of all products in any group in Schedule I of this order, or for all production.

(c) Paragraph (a) of this section shall not apply to any allotment specifically made for the production of repair or replacement parts.

(d) No person who receives an allotment for the production of one or more specified products in a product class code listed in Schedule I of this order shall use such allotment for the production of any product listed in a different group in such schedule, whether or not such other product is one included under the same product class code.

**Sec. 5. Prohibited use of copper and aluminum.** (a) No person who produces any Class B product in Schedule I of this order, except products identified with the symbol #, or who produces any Class A product as a part for any such Class B product, shall, in producing such product or part, use copper or aluminum, or any part containing either such material, for any ornamental or decorative purpose, or use a greater quantity of copper and aluminum, or any part containing a greater quantity of either such

material, than is necessary for functional or operational purposes.

(b) No person who produces any Class B product included in Schedule I of this order, or who produces any Class A product as a part for any such product, shall, in producing such product or part use a better grade of copper or aluminum, or any part containing a better grade of either such material, than is necessary for functional or operational purposes.

**Sec. 6. Request for adjustment or exception.** Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

**Sec. 7. Records and reports.** (a) Each person participating in any transaction covered by this order, or who relies on section 4 of this order, shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Any person who receives from the Washington office of NPA allotments under two or more product class codes listed in Schedule I of this order shall file NPA Form CMP 60 on or before the first day of the third month of each calendar quarter with the National Production Authority, Washington 25, D. C., Ref: M-47B.

(d) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).



Sec. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-47B.

Sec. 9. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Order M-47B as so amended shall take effect April 15, 1952.

NATIONAL PRODUCTION  
AUTHORITY,  
By JOHN B. OLVERSON,  
Recording Secretary.

#### SCHEDULE I OF NPA ORDER M-47B

Note: Listings are in accordance with the official CMP Class B Product List of November 15, 1951.

Product class code	GROUP I Product
2392	Housefurnishings, fabric (containing controlled materials).
2511	Wood household furniture, except upholstered.
2512	Wood household furniture, upholstered.
2514	Metal household furniture.
2522	Metal office furniture.
25310	Public building furniture, except school benches, chairs, stools, desks, and tables.
25412	Cases, cabinets, counters, and other fixtures.
25910	Restaurant furniture.
3411492	Tinware (except cans, cooking, and kitchen utensils), except commercial baking pans.
34211	Cutlery, scissors, shears, trimmers, and snips.
34212	Razors, except blades and electric razors.
34396	Domestic cooking stoves, ranges and cooking appliances, except electric.
34611	Vitreous enameled cooking and kitchen utensils.
34612	Vitreous enamel products, n. e. c., except hospital utensils.
3463792	Stamped or pressed metal end products, n. e. c., aluminum ice cube trays only.
34639	Stamped and spun cooking and kitchen utensils, except commercial cooking utensils and domestic pressure canners.
35227	Lawn mowers and lawn sweepers.
35811	Household mechanical washing machines.
35812	Household laundry equipment, n. e. c.
3583091	Sewing machines, household.
35841	Vacuum cleaners, household.
35851	Household mechanical refrigerators.
35852	Home and farm freezers.
3589292	Household machines, n. e. c., except carpet sweepers.
36211	Electric fans, except industrial type.

Product class code	GROUP I—continued Product
3621391	Small household electric appliances, except fans.
36214	Household ranges, electric.
37511	Motorcycles, bicycles, and parts.
39140	Silverware, hollow ware and plated ware.
39310	Pianos.
39320	Organs.
39390	Musical instruments and parts, except pianos and organs.
39410	Games and toys, except dolls and children's vehicles. Following products only: Airplanes, toy, model construction. Construction sets, toy, model. Model sets, toy, construction. Ships, toy, model construction. Trains, toy, model construction.
3943091	Baby carriages, walkers, strollers, and tenders.
3949091	Fishing tackle only.
3949092	Commercial fishing equipment (except water craft).
39510	Pens, mechanical pencils, and pen points.
39630	Metal buttons and parts, civilian type.
3964092	Household needles, pins, and similar notions, civilian type.
39970	Soda-fountain and beer-dispensing equipment.
3999492	Miscellaneous fabricated products, n. e. c., the following products only: squeegees, office supplies, and memorial items including vases.
3921	Religious goods, n. e. c.
	GROUP II
23940	Canvas products.
24930	Frames for mirrors and pictures.
25130	Reed and rattan furniture (including bassinets).
25620	Window shades and accessories.
2563	Venetian blinds.
2599092	Furniture and fixtures, n. e. c.
34293	Vacuum bottles and jugs, except vacuum bottles and jugs under 1 qt. capacity.
3429691	Specialized hardware, fireplace equipment only.
3463792	Stamped or pressed metal end products, n. e. c., except lunch boxes and aluminum ice cube trays.
34712	Incandescent portable lamps.
3471591	Fluorescent portable lamps.
3489695	Wire products, n. e. c.
3499292	Fabricated metal products, n. e. c.
3589292	Carpet sweepers.
3599094	Amusement park rides and devices.
3699392	Electrical products, n. e. c.
39120	#Jewelers' findings and materials.
39410	Games and toys, except dolls and children's vehicles, all products not listed in Group I of this schedule.
3943092	Children's vehicles and parts.
3949091	Sporting and athletic goods, except fishing tackle.
39520	Lead pencils.
39540	Artists' materials and equipment.
39610	#Costume jewelry and novelties, except precious metal.
39860	#Jewelry cases and instrument cases.
3993092	Signs and advertising novelties, except paper, excluding highway signs and safety markers.
39950	Umbrellas, parasols and canes.
39960	Tobacco pipes and cigarette holders.
3999492	Miscellaneous fabricated products, n. e. c., except etched products and all products included in Group I of this schedule.
#See section 5 (a) NPA Order M-47B.	

[F. R. Doc. 52-4403; Filed, Apr. 15, 1952; 11:24 a. m.]

[NPA Order M-99, Amendment 1 of April 15, 1952]

#### M-99—CRYOLITE

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment consultation with industry representatives has been impossible because of the need for immediate action.

NPA Order M-99 of February 29, 1952, is amended in the following respects:

1. The second sentence of section 1 is deleted.

2. Paragraph (a) of section 3 is amended to read as follows:

(a) During the month of March 1952, and during each succeeding calendar month, no person producing any product listed at the end of this paragraph shall purchase, or accept delivery of, for use in the production of such product, a quantity of cryolite exceeding that quantity determined by applying, against the average monthly quantity used by him during the base period in the production of such product, the percentage found opposite that product in the following list:

Product:	Permitted percentage of base period
1. Abrasives	115
2. Metals (other than primary aluminum)	100
3. Welding rods, welding fluxes and lamp filaments	100
4. Glass	40
5. Ceramics	40

3. Section 9 is amended by inserting a new paragraph (c) and by renumbering the present paragraph (c) as paragraph (d) and inserting the word "further" between the words "such" and "reports." As amended, paragraphs (c) and (d) will read as follows:

(c) Any person who uses any grade of cryolite, natural or synthetic, except persons whose use of cryolite for all purposes did not exceed 10 pounds in any calendar month since January 1, 1951, and except persons who purchase insecticide grade cryolite for their own use as insecticide, shall file Form NPAF-189, in duplicate, by April 30, 1952, showing the end use for which such cryolite is purchased, his stocks, receipts, and consumption as required by the form.

(d) Persons subject to this order shall make such records and submit such further reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect April 15, 1952.

NATIONAL PRODUCTION  
AUTHORITY,  
By JOHN B. OLVERSON,  
Recording Secretary.

[F. R. Doc. 52-4404; Filed Apr. 15, 1952; 11:24 a. m.]



## Chapter XX—Civil Aeronautics Administration, Department of Commerce

[Regulation 1]

### REG. 1—APPEALS PROCEDURE FOR AIR NAVIGATION FACILITY AND CIVIL AIRPORT CONSTRUCTION PROJECTS UNDER REVISED CMP REGULATION 6

The following regulation is hereby adopted for the purpose of prescribing procedures whereby owners of civil airports and air navigation facilities may appeal from decisions of the Civil Aeronautics Administration, Office of Aviation Defense Requirements, on their applications for adjustment or exception under the provisions of Revised CMP Regulation 6.

Sec.

1. Definitions.
2. Basis and purpose.
3. Grounds for appeal.
4. CAA Appeals Officer.
5. Filing appeals.
6. Decisions.
7. Hearings by CAA Appeals Officer.
8. Presentation of appeal.
9. Interested parties.

**AUTHORITY:** Sections 1 to 9 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799 as amended; 50 U. S. C. App. Sup. 2071.

**SECTION 1. Definitions.** As used in this regulation:

- (a) "Revised CMP Regulation 6" means revised Controlled Materials Plan Regulation 6 of the National Production Authority.
- (b) "CAA" means Civil Aeronautics Administration.
- (c) "NPA" means National Production Authority.

**SEC. 2. Basis and purpose.** The basis for this regulation is section 101 of the Defense Production Act of 1950. The purpose of this regulation is to prescribe the procedure of the Civil Aeronautics Administration for appealing from decisions of its Office of Aviation Defense Requirements with respect to applications submitted by owners of air navigation facilities and civil airports for adjustment or exception under the provisions of Revised CMP Regulation 6 in accordance with NPA Delegation 14.

**SEC. 3. Grounds for appeal.** (a) Any person who has filed with CAA, Office of Aviation Defense Requirements an application for adjustment or exception requesting relief from a provision of Revised CMP Regulation 6 may appeal to the CAA Appeals Officer from the decision on the application upon the ground that such decision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the public interest or the interest of the national defense.

(b) If a person has new and substantial facts to submit which were not included in his application for adjustment or exception, he should apply to the Director, Office of Aviation Defense Requirements for reconsideration of his application for adjustment or exception

upon the basis of these new facts. Then, if the reconsideration does not result in a decision satisfactory to him, he may file an appeal on the grounds stated in paragraph (a) of this section.

**SEC. 4. CAA Appeals Officer.** The CAA Deputy Administrator is the CAA Appeals Officer and acts as the final agency authority in considering appeals permitted under section 3 of this regulation.

**SEC. 5. Filing appeals.** (a) An appeal is instituted by filing four copies of a written notice, the original of which will be signed by the appellant or his authorized representative, setting forth:

- (1) The name, address, and business of the appellant.
- (2) The nature of the CAA action appealed from, including, but not limited to, its date, case number, and the order or regulation under which it was taken.
- (3) The grounds of appeal.
- (4) A copy of the documents evidencing the decision from which the appeal is taken.

(5) A request for a hearing, if the appellant desires a hearing.

(b) The notice of appeal shall be filed with the CAA Appeals Officer, Office of the Administrator, Civil Aeronautics Administration, Washington 25, D. C. A notice of appeal must be filed within 45 days after the date of the decision. However, in the case of an appeal from a decision made before the effective date of this regulation, the notice of appeal may be filed within 45 days after the effective date of this regulation.

(c) The CAA Appeals Officer may request the filing of additional data whenever he considers it necessary.

**SEC. 6. Decisions.** (a) In any case in which the CAA Appeals Officer determines that relief is justified, he will grant appropriate relief to the extent permitted by the availability of materials.

(b) The decision of the CAA Appeals Officer will be final insofar as CAA is concerned.

(c) The CAA Appeals Officer will not be required to furnish written opinions.

(d) Every party of record to an appeal will be notified in writing of the decision of the Appeals Officer.

**SEC. 7. Hearings by CAA Appeals Officer.** In his discretion, the CAA Appeals Officer may hold a hearing on any appeal, either upon his own initiative, or upon request by the appellant. The appellant's case is not prejudiced by the fact that he does not request a hearing. Hearings by the CAA Appeals Officer will be public unless otherwise ordered by him. If a hearing is to be held, the CAA Appeals Officer will fix the date, time, and place, and will notify the appellant thereof.

**SEC. 8. Presentation of appeal.** Hearings before the CAA Appeals Officer are informal. The appellant need not be represented by counsel, but he may be if he desires. If he is represented by counsel but is not present at the hearing, the appellant will notify the CAA Appeals Officer in writing that he has authorized counsel to represent him at the hearing and has furnished counsel with the information necessary for presenting the appellant's case.

**SEC. 9. Interested parties.** In the discretion of the CAA Appeals Officer, interested persons or government agencies, offices, or departments, may intervene as parties to an appeal, to the extent determined by the CAA Appeals Officer.

This regulation shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

F. B. LEE,  
Acting Administrator of  
Civil Aeronautics.

[F. R. Doc. 52-4255; Filed, Apr. 15, 1952;  
8:45 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

#### PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

"S. S. ARCTIC" (GUAM)

**CROSS REFERENCE:** For cancellation of waiver order affecting the "S. S. Arctic" (Guam) which was designated as § 19.31 (17 F. R. 1637), see Title 46, Chapter I, Part 154, *infra*.

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

#### PART 20—SPECIAL REGULATIONS

#### YELLOWSTONE NATIONAL PARK; FISHING; LIMITED OPEN SEASON AND CLOSED WATERS

1. Subparagraph (2), *Limited open season*, of paragraph (c) *Fishing*, of § 20.13, *Yellowstone National Park*, is amended to read as follows:

(2) *Limited open season.* (i) All streams emptying into Yellowstone Lake, including the mouths of such streams, the Yellowstone River and its tributaries from a point 10 yards above Fishing Bridge to the Upper Falls at Canyon, Grebe Lake and Wolf Lake are open to fishing from sunrise on July 1 to sunset on October 15: *Provided, however*, That fishing is prohibited in the Yellowstone River for a distance of 250 yards on either side of the center of the Yellowstone Cascades: *And provided further*, That graylings may not be taken from Grebe Lake and Wolf Lake. Any grayling hooked shall be immediately and carefully returned to the water.

(ii) The following waters are open to fishing from sunrise on May 30 to sunset on September 30:

Madison River.	Cougar Creek.
Maple Creek.	Duck Creek.
Campanula Creek.	Gneiss Creek.
Grayling Creek.	Tepee Creek.

2. Subparagraph (4), *Closed waters*, of paragraph (c) *Fishing*, of § 20.13, *Yellowstone National Park*, is amended to read as follows:



(4) *Closed waters.* The following waters of the park are closed to fishing:

Duck Lake.  
Mammoth water supply reservoir.  
Riddle Lake.  
Firehole River, from Old Faithful water supply intake to the Shoshone Lake trail crossing above Lone Star Geyser.  
All waters of the Gardiner River drainage above the Mammoth water supply intake.  
Arnica Creek, a tributary of Yellowstone Lake.

All streams trapped for spawn-taking purposes are closed from the mouths of such streams to a distance of three miles above the traps during the spawning season.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 8)

Issued this 9th day of April 1952.

OSCAR L. CHAPMAN,  
Secretary of the Interior.

[F. R. Doc. 52-4257; Filed, Apr. 15, 1952;  
8:46 a. m.]

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable To  
Certain Vessels During Emergency

[CGFR 52-21]

### PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGU- LATIONS<sup>1</sup>

"SS ARCTIC" (GUAM)

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secre-

tary of the Treasury dated January 23, 1951, identified as CGFR 51-1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the waiver order designated 46 CFR 154.31, as well as 33 CFR 19.31, regarding the "SS ARCTIC" (Guam), which was published in the FEDERAL REGISTER dated February 26, 1952 (17 F. R. 1687; CGFR 52-16), is hereby canceled, effective upon the date of publication of this document in the FEDERAL REGISTER. It is hereby found that compliance with a notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is contrary to the public interest.

Dated: April 14, 1952.

[SEAL]

MERLIN O'NEILL,  
Vice Admiral,  
U. S. Coast Guard, Commandant.

[F. R. Doc. 52-4386; Filed, Apr. 15, 1952;  
9:56 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife  
Conservation Areas

PART 33—CENTRAL REGION

### LACREEK NATIONAL WILDLIFE REFUGE, SOUTH DAKOTA; FISHING

*Basis and purpose.* On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that certain modifications can be made in the regulations governing fishing on the

Lacreek National Wildlife Refuge, South Dakota, without interfering with the primary purpose for which the refuge was established.

Inasmuch as the following regulations are relaxations of the existing regulations applicable to the Lacreek National Wildlife Refuge, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective on the date of publication of this document in the FEDERAL REGISTER, § 33.91 is amended and § 33.95 is added:

§ 33.91 *Fishing permitted.* Noncommercial fishing in accordance with the State laws of South Dakota is permitted during the daylight hours in the following-described waters of the Lacreek National Wildlife Refuge, as follows:

(a) During the regular State fishing season, all waters in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 25, T. 37 N., R. 36 W., lying east of Dam No. 10: *Provided, however,* That fishing will not be permitted during the Federal hunting season for migratory waterfowl.

(b) During the period December 1 to February 28: All of Unit 10.

§ 33.95 *Bait restrictions.* No person shall use live minnows or any other fish or any part thereof for bait while fishing in any of the waters of the refuge, and no person shall have in his possession within the boundaries of the refuge any live minnows or any seine or net that may be used in capturing minnows.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Dated: April 9, 1952.

CLARENCE COTTAM,  
Acting Director.

[F. R. Doc. 52-4256; Filed, Apr. 15, 1952;  
8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

#### [7 CFR Part 925]

[Docket No. AO-226-A2]

### HANDLING OF MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

### DECISION WITH RESPECT TO PROPOSED MAR- KETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Seattle, Washington, on March 11-14, 1952, pursuant to notice thereof issued on February 20, 1952 (17 F. R. 1665).

The material issues of record related to several aspects of the regulation in effect. This decision covers only the question of

an appropriate price differential (over the basic formula price) for Class I milk. It is determined that emergency action is required on such matter. It is concluded that the remaining issues, including the proposal to include a "supply-demand" price mover in the Class I price formula and other aspects of the pricing of Class I milk, should not be decided under emergency procedure and should not delay action on the establishment of a Class I price differential for the coming months. Decision on such remaining issues therefore is reserved to a later date.

*Rulings on proposed findings and conclusions.* Only one of the briefs filed on behalf of producers or handlers contained proposed findings and conclusions with respect to the issue under consideration herein. To the extent that the findings and conclusions of this decision are at variance with such proposed findings and conclusions, the request to make such findings and conclusions is hereby denied.

*Findings and conclusions.* The following findings and conclusions on the issue decided herein are hereby made

upon the basis of the record of the hearing:

(1) The price differential added to the basic formula price for Class I milk should be revised.

Producer organizations engaged in supplying milk to the Puget Sound marketing area proposed that the Class I price differential of \$1.87, which has been in effect since September 1, 1951, be continued until such time as it might be subject to adjustment through the working of a "supply-demand mover" based on a 12 months' moving average of changes in supply and Class I sales relationships from a base period (12 months ending May 31, 1952). Under this plan, the Class I price differential would be increased or decreased 3 cents for each full point that the most recent 12 months' average supply-sales percentage is greater or less, respectively, than that of the base period. It was proposed further by producers that the differential of \$1.87 be retained in effect pending action on such proposed amendment. A suspension order was issued March 25, 1952, holding the \$1.87 differential in effect for the month of April. In the absence of the suspension order, the Class I differ-

<sup>1</sup> Also codified in 33 CFR Part 19.



ential would have reverted automatically to \$1.45 on April 1.

In support of the maintenance of the differential of \$1.87 for the immediate future (or until the supply-demand mover would have effect) proponents presented testimony to show that (a) the increase (2.1 percent) in the number of producers which has taken place (from June 1951 to January 1952) is not excessive in view of an expanding population in the marketing area, (b) the present differential has not induced an undue amount of milk in excess of market needs, (c) producers' costs, particularly prices of purchased feed and farm wage rates, have continued to increase since the hearing held in August 1951 on which the present differential was adopted, and (d) the price of beef, the production of which was stated to be the first alternative to milk production as a use for land in the milkshed, remains at the high level established several months ago. It was contended that because of such conditions, a decrease of 42 cents in the differential on April 1, as provided by the amendment to the order adopted last September, would jeopardize the production of an adequate supply of pure and wholesome milk for the marketing area.

In the decision issued in August 1951 supporting a differential of \$1.87 through March of this year, it was pointed out that "This change should assist producers to meet higher out-of-pocket expenditures which may be expected during the next several months and therefore to maintain needed market supplies." The increased differential was concluded to be necessary in view of an unprecedented drought condition in the milk supply area which had seriously aggravated pasture, hay, and home-grown feed conditions and had caused earlier than usual supplementary feeding, necessitating the importation of substantial quantities of feed from sources east of the Cascade mountains at added cost. Official notice of such decision is taken. The price increase granted last September had the desired effect of maintaining fall milk production and producer numbers at satisfactory levels despite the adverse conditions which prevailed. Producers maintained herds during the fall and winter months just passed and expanded production above previous levels for this period. Milk production did not follow the customary seasonal trend. Surveys of production trends in prior years indicate that a decrease in deliveries of as much as 50 percent could be expected between June of any year and the following November. In the comparable period of 1951, deliveries fell less than 27 percent. An unusually even pattern of production has existed since last August. For the period August through January Class I utilization took from 85 to 90 percent of the total market supply. Producers delivered a sufficient supply to meet the market's requirements plus an adequate "cushion" to cover day to day and weekend variations. In preceding years the period during which production and sales were in balance was very short and deliveries declined to a substantially lower point in November and De-

cember. Producer numbers had decreased 6 percent between June 1950 and June 1951 but since the latter month have increased 2.1 percent. The acute shortage of milk which had been anticipated at the time of the August hearing was avoided.

Precise measurement cannot be given to the contribution of the increase in the price differential which became effective on September 1 to recent fall and winter milk supplies. Certainly it played an important part in preventing a shortage. The record indicates also, however, that the relatively high production experienced during such period was due in large measure to production plans made by producers from 6 to 9 months earlier, before the price differential of \$1.87 was in prospect. As stated above, milk deliveries were sustained under extremely aggravated production conditions and with higher cost than would have been incurred if hay and other home-grown feed crops had not been reduced by drought. In these circumstances it is logical to expect that given reasonably favorable growing conditions a differential somewhat lower than \$1.87 will insure an adequate supply for the coming months.

From other information adduced at the hearing, it is apparent that there will be a strong demand for Grade A milk supplies in the marketing area during 1952. Business activity continues strong. Purchasing power of individuals is still relatively high. The total population of the area is greater than it was a year ago. Fluid milk sales may reasonably be expected to remain at present or increased levels for an indefinite period. On the production side, the primary cost factors involved have advanced since a year ago. Oats, barley, and wheat mixed feed, the principal feeds purchased in the milkshed for dairy cattle, were, respectively, 7.8, 17.5, and 37 percent higher in price on March 1 than on the same date in 1951. Farm labor wage rates in the State of Washington during 1951 averaged about 12 percent above the 1950 rates. Non-agricultural employment in western Washington is continuing to attract workers from the farming communities. The beef-raising enterprise is a strong competitor for feed supplies. The average monthly Class I price in 1951 was 15 percent greater than its counterpart for 1950. If the order differential of \$1.45 had remained in effect throughout the past year, the average Class I price would have increased only 12 percent over 1950. Even if no further increases in the above cost items occur, a return at this time to the Class I price differential (\$1.45) originally established under the order for District No. 1 (principal area of milk consumption) might well result in a tendency for Grade A milk production to resume the gradual decline which, it was found at the August 1951 hearing, had been taking place for more than a year. Any reduction in production for the marketing area during the fall and winter months in relation to present market requirements for Grade A milk would have the undesirable effect of creating a shortage of supply and would not be in the public interest. It is concluded that

a Class I price differential of \$1.65 will be appropriate in view of recent and prospective conditions which have important effect upon the production and sale of milk for fluid use and will provide the necessary incentive to producers.

The parity price of all milk sold at wholesale in the United States, which is the applicable parity under present legislation, was \$4.84 per hundredweight as of March 15, 1952. Such price does not reflect what the record shows to be the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, nor would it insure a sufficient supply of pure and wholesome milk for the marketing area or be in the public interest.

(2) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. No objection to possible action under the procedure described above was raised.

**General findings.** (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

**Determination of representative period.** The month of February 1952 is



hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Puget Sound, Washington, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 11th day of April 1952.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

Order<sup>1</sup> Amending the Order, as Amended, Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area

§ 925.0 Findings and determinations. The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendment thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended,

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

Delete § 925.51 (a) and substitute therefor the following:

(a) Class I milk. The price for Class I milk shall be the basic formula price plus \$1.65: Provided, That the price for Class I milk for the months of April through June, inclusive, of any year shall not be higher than the price computed pursuant to the above provisions of this paragraph for the month of March immediately preceding, and the price for Class I milk for any October through January period, inclusive, shall not be lower than the price computed pursuant to the above provisions of this paragraph for the month of September immediately preceding.

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS SUPPLYING MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA; AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area), who, during the month of February 1952, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the amending order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Nicholas L. Keyock is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 11th day of April 1952.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 52-4294; Filed, Apr. 15, 1952; 8:55 a. m.]

# [ 7 CFR Part 927 ]

[Docket No. AO-71-A-21]

## HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business of the 10th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which findings and conclusions are hereinafter set forth was conducted at New York, New York, on January 18 and 19, 1952, and at Syracuse, New York, during the period January 21-23, 1952, pursuant to notice thereof issued on December 28, 1952 (17 F. R. 124). A decision on some of the issues presented on the record of the hearing was issued on February 18, 1952 (17 F. R. 1623) and an amendment effectuating the findings and conclusions in that decision was issued on February 25, 1952 (17 F. R. 1743).

The remaining issues presented on the record of the hearing, and on which findings and conclusions are herein set forth, are concerned with:

1. Further amendment of the order on the basis of information and data not available prior to the decision of February 18, 1952 so as to provide for proper use of a revised wholesale commodity price index in the Class I-A pricing formula.



2. Revision of the formula for the pricing of Class I-A milk of 3.5 percent butterfat in the 201-210 mile zone so as to increase the level of the price and to reduce the amount of its seasonal variation.

*Proposed findings and conclusions.* The following proposed findings and conclusions on the material issues are based upon the evidence in the record of the hearing:

1. *Use of revised wholesale price index.* The revised wholesale price index for all commodities as reported on a 1947-49 base (beginning with January 1952) by the Bureau of Labor Statistics, United States Department of Labor, should continue to be used in the computation of the Class I-A price in the manner specified in the February 25, 1952, amendment to the order.

Official notice now has been taken of the new wholesale price index series for months prior to January 1952 as released by the Bureau of Labor Statistics on February 29, 1952. It is apparent that only minor differences in the Class I-A prices during the year 1951 would have resulted from the use of the revised wholesale price indexes rather than those actually used. The revised and old index (after converting both to a 1948 base) were identical for two months in 1951. In no month was there a difference of more than one full index point between the old and new indexes so converted, and for the year 1951 the revised indexes (converted to a 1948 base) averaged six-tenths of a point higher than the indexes used.

Use of the revised index for the last month for which the old index was reported (December 1951) would have resulted in a February 1952 Class I-A price 4 cents higher than the price computed using the old index. Class I-A prices using the revised monthly indexes in 1951 would have resulted in higher Class I-A prices ranging in amount from zero to 6 cents, and would have averaged 3 to 4 cents higher for the year. The Class I-A pricing formula is not considered to operate with sufficient precision to justify its revision to eliminate such a minor difference in the level of the Class I-A price as may be attributed to a shift to the use of the new wholesale price index.

2. *Level of the Class I-A price and seasonal change.* The order should not be amended to increase the level of the Class I-A price or to reduce the amount of its seasonal variation. The continued production of a supply of milk adequate to meet future market requirements appears not to require action at this time to provide Class I-A prices higher than those in prospect resulting from operation of the existing Class I-A pricing formula.

The total volume of milk produced for the marketing area (milk received at pool plants) increased only slightly (0.4 percent) in 1951 following more substantial increases in 1949 and 1950 of approximately 15 and 7 percent respectively. In December 1951 the supply of pool milk was 3.8 percent larger than a year earlier and about 18 percent larger than three years earlier. Except for November, the volume of pool milk in

each of the last eight months of 1951 was larger than in the same month a year earlier by amounts ranging from 1.3 to 7.2 percent. The volume in November 1951 was 0.4 percent less than in November 1950. The number of producers in December 1951 was 9 percent larger than 3 years earlier after a decline of 2.3 percent from December 1950. Deliveries per day per dairy have shown average annual increases of 10.1, 0.5 and 1.6 percent for the past three years and were 6.5 percent higher in December 1951 than a year earlier.

Sales of fluid milk have increased moderately during 1950 and 1951 after declining generally over the three year period from 1946 through 1949. Total sales of fluid milk (Classes I-A, I-B, and I-C) for the year 1951 were about 5 percent larger than in 1948 with out-of-area sales accounting for about 85 percent of the increase. Sales of Class I-A milk were about 1 percent larger in 1951 than in 1948. The increase in the volume of pool milk from 1948 to 1951 was about seven times the volume accounted for by the increase in fluid milk sales.

The annual averages of monthly percentages of pool milk used in Class I (A, B, and C) have remained relatively constant during the last three years. Such percentages (54.8 in 1949, 53.4 in 1950 and 54.1 in 1951) have been smaller however than in any prior year since 1942. During the years 1943 through 1948 the annual average of monthly percentages of pool milk used in Class I ran from 59.1 in 1943 to a high of 69.3 in 1946, and then declined to about 64 percent in 1947 and 1948 and to 54.8 in 1949. These data indicate that on an annual basis the volume of pool milk in relation to Class I sales has not changed materially during the past three years, and has been larger than in any of the preceding six years.

Likewise, the percentages of pool milk used in Class I during the months of June and November increased from 1942 through 1947 and have since declined. The percentage of 37.7 in June 1951 is a decline from 47.2 in 1946 and lower than in June of any year since 1941. The November percentage of pool milk in Class I has increased from a postwar low of 60.8 in 1949 (resulting from exceptionally heavy production in November 1949) to 70.1 in 1951, exactly 20 points lower than in November 1946. Short season supplies appear not only to have been ample during the last three years but to have been relatively large in comparison with short season supplies during each of the years 1943 through 1948. The percentage of pool milk used in Class I and Class II (also required by health authorities to come from approved sources) was about 97 in November of each of the years 1945, 1946, and 1947 and about 90 in 1943 and 1948. Fluid milk and Class II cream accounted for about 80 percent of the November supply of pool milk in 1950 and 1951. Problems of procurement appear to have been experienced during short seasons when more than around 90 percent of the pool supply was used for fluid milk and Class II cream. At no time however, even when reserve supplies were considerably less than 10 percent on a monthly basis,

has it been necessary to bring milk from outside the regular supply area into the marketing area for use as fluid milk or cream. A supply of pool milk in November 1951 as much as 55 million pounds (about 12 percent) smaller than the actual volume would have provided a reserve supply at least as large as in November of any of the six years prior to 1949 except 1944.

With the prospect of continuing population expansion and a continuing high purchasing power, and with consumer milk prices favorable in relation to other retail food prices, it appears reasonable to anticipate continuing fluid milk and marketing area cream sales at or perhaps moderately above the 1951 level. Analysis of factors likely to affect the volume of pool milk indicates that the supply will continue, at least for a considerable period of time, to be sufficient to meet such fluid milk and cream requirements of the market.

The number of milk cows in New York State in June 1951 was about one percent larger than a year earlier with no evidence of significant change since that time. The rate of grain feeding and production of milk per cow has increased rather consistently in recent years. Although feed prices during the early part of this year were somewhat higher than in 1951, they are not expected to be sufficiently unfavorable over an extended period in relation to milk prices to significantly reduce rates of feeding.

Class I-A prices under the present formula have been relatively high in relation to the manufacturing value of milk. In 1951, the Class I-A price exceeded the 18 condensary price by a smaller percentage than in the preceding three years but actual margins in 1950 and 1951 of \$2.05 and \$2.02, respectively were larger than formerly except in 1949. The relationship between the price of milk and prices of other farm products in the region has not changed materially since 1948. Class I-A prices under the present formula have not been unfavorable in relation to fluid milk prices in other markets, although somewhat lower in 1951 than formerly in relation to the Philadelphia Class I price. During the 18 month period August 1950 through January 1952 the Class I-A price for 3.7 milk exceeded the Boston Class I price by an average of 9 cents.

From the middle of 1950 to January 1952 the index of the cost of production, as computed under the order on a 1948 base, moved from 93 to 112, an increase of about 20 percent. During the same period the annual level of the Class I-A price increased 15.6 percent. The uniform price moved from \$3.57 in July 1950 to \$4.23 in July 1951, an increase of 18.5 percent. Costs and prices have by no means moved together however during the entire period since the middle of 1950. By April 1951, the level of the Class I-A price had increased about 18 percent and the uniform price had increased over 20 percent (above April 1950), whereas, the index of the cost of production had risen only about 8 percent. Since the spring of 1951 the cost index has continued to increase, whereas, the level of the Class I-A price has declined about 2.5 percent. While the cost



of production and the price of milk have shown divergent trends since the middle of 1951. It is also apparent that there was a divergence in the opposite direction for a longer period prior to that time and to a much greater extent. These divergent trends merely reflect differences in the timing of fluctuations in the cost of production index and in the wholesale commodity price index. Practically all of the net change which has occurred in the level of the Class I-A price since the present formula has been in effect has been the result of changes in the wholesale commodity price index. The other main mover, the utilization adjustment percentage which measures changes in the annual level of supply in relation to fluid sales, has had only a minor effect on the price. The estimated annual level of utilization in Class I used in computing the Class I-A price for February 1952 was 58 percent, only slightly higher than the 54.7 percent used in computing the Class I-A price for the first month (August 1950) for which a Class I-A price was determined pursuant to the present formula, and well below the utilization percentage of 63.6 for the year 1948.

Numerous references were made at the hearing to the labor situation as a factor likely to have an influence on the future supply of milk, not only because of increasing farm wage rates as such, but also because of declining productivity of the labor available and additional costs and services associated with the procurement and retention of farm labor. This situation doubtless constitutes a serious problem for many farmers and may induce some to accept alternative opportunities, but its importance as a factor tending to reduce the supply of milk at least up to this time is not apparent due in part, evidently, to the offsetting influence of increasing mechanization, higher quality of cows and other factors.

Proposals were considered at the hearing to reduce the amount of the seasonal variation in the Class I-A price. Since the primary purpose of seasonal variation in the Class I-A price is to provide an incentive sufficient to result in a seasonal pattern of production reasonably well related to fluid milk and cream requirements of the market for which the milk is produced, the answer to the question here presented appears to depend upon whether or not the incentive presently provided is more than sufficient.

Simply stated, the present schedule of seasonal variation in the Class I-A price was adopted as a measure designed to bring about a seasonal pattern of production wherein May and June deliveries of pool milk would be no more than 60 percent larger than November deliveries. May and June deliveries during the past four years (1948-51) have exceeded November deliveries (average for November of the same and preceding years) by 73, 65, 64, and 71 percent, respectively. The seasonal variation last year was less than during the years 1945-47 when May and June deliveries exceeded November by 92 percent, and was about the same as for the period 1940-42. Deliveries per day per dairy have shown a similar trend. During the last three years November deliveries per

day per dairy have averaged about 60 percent of June compared with around 50 percent in the mid-forties and 60 percent in the early forties.

In order to encourage a shift in the direction of more milk in the shortest production months and less in the longest production months, it appears necessary that the pricing policy employed result in a blend or uniform price no less than 35 percent higher in November than in June or in uniform prices during the months of October-December at least 25 percent higher than during the months of April-June. In 1951, the first full year of operation under the present formula, the uniform price in November was 37 percent higher than in June and the average for October, November and December was 29 percent higher than the average for April, May and June. These seasonal differences in the uniform price are reasonably in line with those expected to result from the present schedule of Class I-A price seasonal factors together with other factors causing seasonal variation in the uniform price. The desired seasonal pattern of production, however, has not been achieved. Perhaps the seasonal variation in the price should be increased or perhaps assurance is needed that similar incentives will continue to be provided for a longer period of time. At any rate, pending opportunity to observe and appraise results, it is concluded that the present schedule of seasonal factors should not be reduced.

*Rulings on proposed findings and conclusions.* Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Filed at Washington, D. C., this 10th day of April 1952.

[SEAL] ROY W. LENNARTSON,  
Assistant Administrator.

[F. R. Doc. 52-4263; Filed, Apr. 15, 1952;  
8:49 a. m.]

## FEDERAL SECURITY AGENCY

### Social Security Administration

#### [ 20 CFR Part 401 ]

#### DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

##### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the Administrative Procedure Act approved June 11, 1946, that the amendments to regulation set forth in tentative form below are proposed to be prescribed by the Commissioner for Social Security

with the approval of the Federal Security Administrator as amendments to present Regulation No. 1 as amended (20 CFR 401.1 et seq.). It is proposed to amend the existing Regulation No. 1 by prescribing payments for disclosure of official records and information in accordance with authority granted to the Administrator (section 1106 (b) of the Social Security Act as amended (60 Stat. 560)), by clarifying certain existing provisions in the regulation, and by extending the present authorization to disclose for reasons of national security.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner for Social Security, Washington 25, D. C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205 (a), 1102, and 1106 of the Social Security Act (53 Stat. 1368, 49 Stat. 647, 64 Stat. 559) and 45 CFR Part 121.

[SEAL] W. L. MITCHELL,  
Acting Commissioner for  
Social Security.

Approved April 10, 1952.

JOHN L. THURSTON,  
Acting Federal Security  
Administrator.

Regulation No. 1, as amended (20 CFR 401.1 et seq.), is further amended as follows:

1. Section 1106 of the Social Security Act, preceding § 401.1, is amended to read:

(a) No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code, or under regulations made under authority thereof, which has been transmitted to the Administrator by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Administrator or by any officer or employee of the Federal Security Agency in the course of discharging the duties of the Administrator under this Act, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Administrator or from any officer or employee of the Federal Security Agency, shall be made except as the Administrator may by regulations prescribe. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or both.

(b) Requests for information, disclosure of which is authorized by regulations prescribed pursuant to subsection (a) of this section, may be complied with if the agency, person, or organization making the request agrees to pay for the information requested in such amount, if any (not exceeding the cost of furnishing the information), as may be determined by the Administrator. Payments for information furnished pursuant to this section shall be made in advance or by way of reimbursement, as may be requested by the Administrator, and shall be



deposited in the Treasury as a special deposit to be used to reimburse the appropriations (including authorizations to make expenditures from the Federal Old-Age and Survivors Insurance Trust Fund) for the unit or units of the Federal Security Agency which prepared or furnished the information.

2. Section 401.1 is amended to read as follows:

§ 401.1 *Prohibition against disclosure.* No disclosure of any return or portion of a return (including information returns or other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act, the Federal Insurance Contributions Act, or the Self-Employment Contributions Act, or under regulations made under authority thereof, which has been transmitted to the Federal Security Agency by the Commissioner of Internal Revenue, or of any file, record, report, or other paper or any information, obtained at any time by the Agency or by any officer or employee of the Agency, or from the Agency or any officer or employee thereof by any other person or by any other agency or officer or employee thereof, which in any way relates to, or is necessary to, or is used in or in connection with, the administration of the old-age and survivors insurance program conducted pursuant to title II of the Social Security Act, shall be made directly or indirectly except as herein-after authorized by this regulation or as otherwise expressly authorized by the Commissioner for Social Security.

3. Section 401.3 (i) (4) is amended to read:

§ 401.3 *Information which may be disclosed and to whom.* \* \* \*

(i) To any officer, agency, establishment, or department of the Federal Government, charged with the duty of conducting an investigation or prosecution, for the purpose of such an investigation or prosecution involving:

(4) Until the termination of the national emergency proclaimed by the President of the United States on December 16, 1950, an inquiry relating to the commission of an act of espionage or sabotage inimical to the national security: *Provided*, That such information shall be disclosed only to the Federal

Bureau of Investigation of the Department of Justice and only upon written certification by a central official thereof that the information requested is required in an investigation of major importance.

4. Section 401.3 (k) is amended to read as follows:

§ 401.3 *Information which may be disclosed and to whom.* \* \* \*

(k) Statistical data or other similar information not relating to any particular person which may be compiled from records regularly maintained by the Agency may be disclosed when efficient administration permits. Information contained in or compiled from reports submitted by employers only (other than information relating to any identified or identifiable person except such employers, and other than information relating to any identified or identifiable self-employed individual) may be disclosed, when efficient administration permits, to any other agency of the Federal Government for use in its statistical and planning work only.

5. Section 401.4 (e) is hereby rescinded.

6. Section 401.4 is amended by adding at the end thereof new paragraphs (e) and (f) reading as follows:

§ 401.4 *Definitions.* \* \* \*

(e) "Cost of disclosing information" means the actual cost of preparing for disclosure and disclosing such information to a person or agency requesting a disclosure thereof authorized by §§ 401.1 and 401.3.

(f) "Person" includes an individual, a firm, an association, or a corporation.

7. New §§ 401.5 and 401.6 are added following § 401.4 and reading as follows:

§ 401.5 *Payment for information in general.* Except as provided in § 401.6, no information, authorized to be disclosed by §§ 401.1 or 401.3, shall be prepared for disclosure or disclosed to the person or agency requesting such disclosure until the cost of disclosing such information shall have been paid in full to the Agency.

§ 401.6 *Payment for information in specific cases.* In any case falling within any of the paragraphs of this section the payment required as a prerequisite to

preparation for disclosure or disclosure of information shall be as specified in such paragraph in lieu of the cost of disclosing such information. In any case in which the receipt of payment in advance, pursuant to this section or § 401.5, would interfere with efficient administration, the Agency may permit such payment to be made at such time or times as it deems consistent with efficient administration.

(a) When the request is for information as to the wages and self-employment income of an individual and the periods during which such wages were paid and such income was derived, and the request is made by the individual, his survivor, or the legal representative of the individual or of his estate, the information shall be furnished without charge.

(b) When the request is made by the Treasury Department, or Department of Justice, of the United States, for a purpose specified in § 401.3 (d) or (f), the information shall be furnished without charge.

(c) When the request is made by an agency of a State Government lawfully charged with the administration of a State unemployment compensation law or contribution or tax levied in connection therewith, information relating to individual employees or employers which is necessary for the purpose of such administration may be furnished without charge, except where the request for any such information involves a special statistical study or a special compilation of data (except a comparison study made cooperatively with the State) in which case payment shall be required.

(d) In any case in which determination of the actual cost of disclosing information would interfere with efficient administration, such cost may be fixed at an amount estimated not to exceed actual cost, and the information may be prepared for disclosure and disclosed after payment of such amount. In any case in which the expense of obtaining reimbursement of such cost would be out of proportion to the amount thereof, or in which collection of such amount would interfere with efficient administration, payment thereof may be waived.

[F. R. Doc. 52-4278; Filed, Apr. 15, 1952; 8:52 a. m.]

## NOTICES

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### WAGE RATES FOR SUGARCANE INDUSTRY; FLORIDA

#### NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that a public hearing will be held in Clewiston, Florida, in the Sugarcane Park Auditorium on April 25, 1952 at 10:00 a. m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1952 through June 30, 1953, on farms with respect to which applications for payment under the act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1952 crop of sugarcane to be paid under either purchase or toll agreements by processors who,

as producers, apply for payments under the act. In the interest of obtaining the best possible information, all interested persons are requested to appear to express their views and present appropriate data in regard to the foregoing matters.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Tom O. Murphy and Ward S. Stevenson are hereby designated as presiding



officers to conduct either jointly or severally the foregoing hearing.

Issued this 10th day of April 1952.

[SEAL] LAWRENCE MYERS,  
Director.

[F. R. Doc. 52-4264; Filed, Apr. 15, 1952;  
8:49 a. m.]

## DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 37-DPAV-30]

REQUEST TO FLORIDA WOOD CO-OPERATIVE  
TO OPERATE AS A SMALL BUSINESS ENTER-  
PRISE PRODUCTION POOL AND REQUEST  
TO CERTAIN COMPANIES TO PARTICIPATE  
IN THE OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Florida Wood Co-operative to operate as a small business enterprise production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

### REQUEST TO FLORIDA WOOD CO-OPERATIVE

You are requested to operate as a small business enterprise production pool in accordance with the voluntary program as set forth in the papers submitted to the Department of Commerce, Pooling Section, Office of Small Business, Washington, D. C. In my opinion, the operations of your association as a small business enterprise production pool will greatly assist in the accomplishment of our national defense program. The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense. You may commence your operations as a small business enterprise production pool upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,  
Administrator.

### REQUEST TO COMPANIES

You are requested to participate in the operations of Florida Wood Co-operative, which will operate as a small business enterprise production pool, in accordance with the voluntary program as set forth in the papers submitted by it to the Office of Small Business, Pooling Section, National Produc-

tion Authority, Department of Commerce, Washington, D. C.

In my opinion, your participation in the operations of this small business enterprise production pool will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

You will become a participant upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided the operations of this production pool and your participation therein are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,  
Administrator.

### LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Beauticraft Furniture Manufacturing Company, 5510 Northwest Thirty-fifth Court, Miami, Fla.

Bond Millworks, Inc., 66 Ely Road, Opa Locka, Fla.

Dellbill, Inc., 545 Northwest Twenty-second Street, Miami, Fla.

Lewin Industries, 275 Northwest Twenty-seventh Street, Miami, Fla.

Lucas Millwork & Supply Company, 2600 Southwest Twenty-eighth Lane, Miami, Fla.

Lumber Sales, Inc., P. O. Box 6210, Coral Gables, Fla.

A. H. Ramsey & Sons, Inc., 71 Northwest Eleventh Terrace, Miami, Fla.

Renuart Lumber Yards, Inc., 664 Northwest Ninety-sixth Street, Miami Shores, Fla.

Roman Furniture Service, Inc., 406 Northwest Fifty-fourth Street, Miami, Fla.

Rose-Saxon Lumber Company, Inc., 1050 Northwest Twenty-first Street, Miami, Fla.

Unit Wall Company, 3760 Northwest Fifty-fourth Street, Miami, Fla.

Womach-Martel Company, 3040 Northwest North River Drive, Miami, Fla.

Young Industries, Wayne Avenue, Perrine, Fla.

Florida Wood Co-operative accepted the request set forth above to operate as a small business enterprise production pool.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: April 15, 1952.

MANLY FLEISCHMANN,  
Administrator.

[F. R. Doc. 52-4402; Filed, Apr. 15, 1952;  
11:24 a. m.]

## ECONOMIC STABILIZATION AGENCY

### Office of the Administrator

[Determination 100]

ROCKDALE, TEXAS; CRITICAL DEFENSE  
HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF  
CREDIT CONTROLS

SECTION 1. Authority. This action is taken pursuant to the authority con-

ferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. Determination. In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated March 31, 1952, that the Rockdale, Texas, area (this area consists of the County of Milam, Texas) is a critical defense housing area, and in view of the defense housing program announced for the said area on March 17, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Rockdale, Texas, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,  
Administrator.

APRIL 9, 1952.

[F. R. Doc. 52-4258; Filed, Apr. 15, 1952;  
8:46 a. m.]

## Office of Price Stabilization

[Region II, Redelegation of Authority 6,  
Revision 2]

### DIRECTORS OF DISTRICT OFFICES, REGION II

REDELEGATION OF AUTHORITY TO PROCESS  
REPORTS OF PROPOSED PRICE-DETERMINING  
METHODS UNDER SECTION 5, AND TO FIX  
CEILING PRICES UNDER SECTION 16 (b) OF  
CPR 67

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 22, Revision 2 (17 F. R. 2508), this Revision 2 to Redelegation of Authority No. 6 is hereby issued.

1. Authority to act under section 5 of CPR 67. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey, Offices of Price Stabilization to approve, pursuant to section 5, CPR 67, a price-determining method for sales at wholesale or retail proposed by a reseller under CPR 67, disapprove such a proposed price-determining method, establish a different price-determining method, by order, or request further information concerning such a price-determining method.

2. Authority to act under section 16 (b) of CPR 67. Authority is hereby re-



delegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey, Offices of Price Stabilization to issue orders, pursuant to section 16 (b) of CPR 67, fixing ceiling prices for any person subject to this regulation who fails to keep the records, file the reports, and establish ceiling prices as required therein, or who fails to apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so.

This redelegation of authority is effective April 12, 1952.

JAMES G. LYONS,  
Regional Director, Region II.

APRIL 11, 1952.

[F. R. Doc. 52-4293; Filed, Apr. 11, 1952;  
4:07 p. m.]

[Region XIII, Redelegation of Authority 4,  
Revision 2]

#### DIRECTORS OF DISTRICT OFFICES, REGION XIII

#### REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTION 5, AND TO FIX CEILING PRICES UNDER SECTION 16 (b) OF CPR 67

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 22, Revision 2 (17 F. R. 2508), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to approve, pursuant to section 5 of Ceiling Price Regulation 67, a price-determining method for sales at wholesale or retail proposed by a reseller under CPR 67, disapprove such a proposed price-determining method, establish a different price-determining method, by order, or request further information concerning such a price-determining method.

2. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to issue orders, pursuant to section 16 (b) of CPR 67, fixing ceiling prices for any person subject to this regulation who fails to keep the records, file the reports, and establish ceiling prices as required therein, or who fails to apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so.

This redelegation of authority shall become effective as of April 10, 1952.

JOHN L. SALTER,  
Regional Director, Region XIII.

APRIL 11, 1952.

[F. R. Doc. 52-4288; Filed, Apr. 11, 1952;  
4:06 p. m.]

[Region XIII, Redelegation of Authority 18]

#### DIRECTORS OF DISTRICT OFFICES, REGION XIII

#### REDELEGATION OF AUTHORITY TO ACT UNDER SPECIFIED SECTIONS OF CEILING PRICE REGULATION 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 31 (16 F. R. 11752) and Delegation of Authority No. 32 (16 F. R. 11891), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to modify, revise or request further information concerning applications filed pursuant to section 14 (c) of CPR 74 and to act under sections 12, 43 (a) and (b), 44 (a) and (b), 45 (a) and (b), 46, 47, 49, 50 and 60 (c) of CPR 74.

This redelegation of authority shall become effective as of April 10, 1952.

JOHN L. SALTER,  
Regional Director, Region XIII.

APRIL 11, 1952.

[F. R. Doc. 52-4289; Filed, Apr. 11, 1952;  
4:06 p. m.]

[Region XIII, Redelegation of Authority 19]

#### DIRECTORS OF DISTRICT OFFICES, REGION XIII

#### REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTED CEILING PRICES UNDER GENERAL OVERRIDING REGULATION 20

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 36 (16 F. R. 12025), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively:

(a) To request further information from an applicant or grant or deny an application for adjusted ceiling prices made pursuant to General Overriding Regulation 20;

(b) To request further information from an applicant who has requested, pursuant to section 8 of General Overriding Regulation 20, permission to use different calendar periods from those stipulated in the regulation for determining his cost ratios or to disapprove the periods suggested or stipulate the periods which may be used;

(c) To request further information from an applicant, or to approve or disapprove proposed adjusted ceiling prices to particular classes of purchasers for which application has been made pursuant to section 10 of General Overriding Regulation 20;

(d) To disapprove, revise or modify ceiling prices proposed to be used or being used under General Overriding Regulation 20, or to direct the applicant to con-

tinue using the ceiling prices established for him under the applicable Office of Price Stabilization regulation until further notice.

This redelegation of authority shall become effective April 11, 1952.

JOHN L. SALTER,  
Regional Director, Region XIII.

APRIL 11, 1952.

[F. R. Doc. 52-4290; Filed, Apr. 11, 1952;  
4:06 p. m.]

[Region XIII, Redelegation of Authority 20]

#### DIRECTORS OF DISTRICT OFFICES, REGION XIII

#### REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTED CEILING PRICES UNDER GENERAL OVERRIDING REGULATION 21

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 39 (16 F. R. 12376, 17 F. R. 405), this Redelegation of Authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to process in the respects indicated herein, applications for adjusted ceiling prices under General Overriding Regulation 21 by manufacturers whose net sales for their last complete fiscal year ending not later than July 31, 1951, were not more than \$1,000,000:

(a) To direct applicants to broaden the scope of their applications as provided in section 5 (e) of General Overriding Regulation 21;

(b) To approve, disapprove, specify an approved method, or request additional information where applicants submit proposed methods for determining the total unit cost of base period commodities, as provided in section 8 (f) of General Overriding Regulation 21;

(c) To approve, disapprove or request additional information on applications for alternate methods for computing proposed ceiling prices as provided by section 15 of General Overriding Regulation 21;

(d) To review applications for adjusted ceiling prices, making such investigation of facts involved, requiring such supplementary information and holding such hearings and conferences as are deemed appropriate for the proper disposition of the application as provided by section 16 of General Overriding Regulation 21;

(e) To issue letter orders as provided by section 16 of General Overriding Regulation 21, establishing or revising ceiling prices: (1) For the commodities covered by applications for adjusted ceiling prices; (2) for other commodities sold by applicants not covered by applications for adjusted ceiling prices; (3) for commodities introduced since the filing date of applications; (4) for commodities introduced after the issuance date of the letter orders.



This redelegation of authority shall become effective April 11, 1952.

JOHN L. SALTER,  
Regional Director, Region XIII.

APRIL 11, 1952.

[F. R. Doc. 52-4291; Filed, Apr. 11, 1952;  
4:07 p. m.]

[Region XIII, Redlegation of Authority 21]

#### DIRECTORS OF DISTRICT OFFICES, REGION XIII

REDELEGATION OF AUTHORITY TO PROCESS STATEMENTS FILED PURSUANT TO SECTIONS 6 AND 12 OF CPR 92 AND TO APPROVE, DENY, OR REQUEST FURTHER INFORMATION CONCERNING FILINGS MADE PURSUANT TO SECTIONS 42 (b), 42 (c) (5) AND (6) AND 46(b) OF CEILING PRICE REGULATION 92

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 27 (16 F. R. 11488), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to process statements filed under sections 6 and 12 of Ceiling Price Regulation 92 and to approve, deny or request further information concerning filings made pursuant to section 42 (b), section 42 (c) (5) and (6), and section 46 (b) of Ceiling Price Regulation 92.

This redelegation of authority shall become effective April 14, 1952.

JOHN L. SALTER,  
Regional Director, Region XIII.

APRIL 11, 1952.

[F. R. Doc. 52-4292; Filed, Apr. 11, 1952;  
4:07 p. m.]

### FEDERAL POWER COMMISSION

[Docket No. E-6423]

KANSAS GAS AND ELECTRIC CO.

#### NOTICE OF APPLICATION

APRIL 10, 1952.

Take notice that on April 9, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Kansas Gas and Electric Company, a corporation organized under the laws of the State of West Virginia and doing business in the State of Kansas, with its principal business office at Wichita, Kansas, seeking an order authorizing the issuance of \$2,000,000 principal amount of Promissory Notes to mature on or before December 31, 1952.

Applicant proposes to issue said notes to Guaranty Trust Company of New York. Said notes will bear interest at the rate of 3 percent per annum, and will be dated as and when funds will be required by Applicant, and will mature six months after date of issue but not later than December 31, 1952; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make protest with reference to said application should, on or before the 30th day of April 1952 file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 52-4266; Filed, Apr. 15, 1952;  
8:50 a. m.]

[Docket No. G-1913]

EL PASO NATURAL GAS CO.

#### NOTICE OF APPLICATION

APRIL 9, 1952.

Take notice that on March 10, 1952, El Paso Natural Gas Company (Applicant), a Delaware corporation of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a metering station on Applicant's pipeline near Animas, New Mexico. Applicant proposes by these facilities to sell and deliver natural gas to Ray Edington for resale, in and about the town of Animas, New Mexico.

The cost of this facility is estimated to be \$2,100 which will be paid from general funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 52-4259; Filed, Apr. 15, 1952;  
8:48 a. m.]

[Docket No. G-1920]

ASSOCIATED NATURAL GAS CO.

#### NOTICE OF APPLICATION

APRIL 9, 1952.

Take notice that on March 28, 1952, Associated Natural Gas Company (Applicant), a Delaware corporation, of Tulsa, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities herein-after described.

Applicant purposes to construct and operate approximately 32.1 miles of 2-inch, 3-inch, and 6-inch transmission pipeline and construct necessary metering facilities in order to transport natural gas for distribution and sale in the Missouri communities of Jackson, Portage-

ville, Gideon, Morley, Spoonerville, and Bernie.

The estimated cost of the proposed facilities including distribution systems in each town is \$894,320. Applicant proposes to obtain these funds by the sale of bonds, debentures, and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 52-4260; Filed, Apr. 15, 1952;  
8:48 a. m.]

[Docket No. G-1931]

OHIO FUEL GAS CO.

#### NOTICE OF APPLICATION

APRIL 10, 1952.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation, address, Columbus, Ohio, filed on April 2, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 4.0 miles of 8-inch natural gas transmission pipeline in Richland County, Ohio, extending from the junction of its existing Lines D-100 and D-232 to the town border measuring station serving Shelby, Ohio, and the subsequent removal of approximately 4.7 miles of 6-inch pipeline presently being used to furnish service to Shelby, Ohio, from Applicant's Line "D".

Applicant proposes the pipeline changes to provide adequate service to its existing market of Shelby, Ohio, whose requirements are said to exceed the capacity of Applicant's existing facilities and because of limitations upon operating pressures of said facilities. Applicant states that removal of its existing 6-inch line will require discontinuance of service to three rural domestic customers. No new markets are proposed to be served by the proposed facilities.

The total over-all capital cost of construction of new facilities is estimated to be \$92,500. Applicant proposes to finance the costs of construction from funds to be provided by The Columbia Gas System, Inc., its parent company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 52-4265; Filed, Apr. 15, 1952;  
8:50 a. m.]



[Project No. 2100]

WATER PROJECT AUTHORITY OF THE STATE  
OF CALIFORNIA

## NOTICE OF APPLICATION FOR LICENSE

APRIL 9, 1952.

Public notice is hereby given that Water Project Authority of the State of California, Sacramento, California, has made application for license pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for a proposed hydroelectric development, designated as Project No. 2100, on the Feather River, in Butte, Yuba, Placer, Sutter, Sacramento, and San Joaquin Counties, California, and affecting public lands and lands of the United States in Plumas National Forest and Lassen National Forest. The proposed project, to be known as the Feather River Project, would be located 40 to 66 miles upstream from Marysville and would include, among other facilities what would be known as the Oroville reservoir 21 miles long having storage capacity of 3.5 million acre-feet at normal water surface elevation of 900 feet (U. S. G. S. datum), flooding 15,450 acres of land; Oroville dam, a concrete gravity structure 710 feet high above the stream bed and having 5,700 feet crest length; Oroville afterbay dam 75 feet high storing 8,200 acre-feet in a pond 5 miles long at normal water surface; Oroville power plant housing five 88,000 kw generators, and Oroville afterbay power plant housing two 12,500 kw generators—all turbines to be of reaction type; attendant switch yard substations, and one single-circuit and one double-circuit steel tower transmission lines of 230 kw capacity.

Any protest against the approval of this application or request for any action thereon, with reason for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before May 29, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 52-4261; Filed, Apr. 15, 1952;  
8:43 a. m.]SECURITIES AND EXCHANGE  
COMMISSION

[File No. 70-2728]

INVESTORS TELEPHONE CO. ET AL.

ORDER RELEASING JURISDICTION OVER PAY-  
MENT OF CERTAIN FEES

APRIL 10, 1952.

In the matter of Investors Telephone Company, Arkansas Associated Telephone Company, Central Carolina Telephone Company, Central Missouri Telephone Company, Iowa State Telephone Company, Platte Valley Telephone Corporation, The Sussex Telephone Company; File No. 70-2728.

The Commission, by order dated November 23, 1951, having granted a joint application, as amended, filed by Investors Telephone Company ("Investors Telephone"), a telephone holding com-

pany and a subsidiary of Investment Bond and Share Corporation, a registered holding company, and Arkansas Associated Telephone Company, Central Carolina Telephone Company, Central Missouri Telephone Company, Iowa State Telephone Company, Platte Valley Telephone Corporation, and The Sussex Telephone Company, all telephone operating subsidiaries of Investors Telephone, regarding the issuance and sale by Investors Telephone of \$1,000,000 principal amount of Collateral Trust 3% Percent Bonds, Series B, due December 1, 1981, at 100 percent of principal amount, to two insurance companies, and the investment by Investors Telephone of the proceeds in its subsidiaries for construction and working capital; and

Said order of November 23, 1951, having contained a reservation of jurisdiction over the proposed payment of a fee of \$7,500 to Granbery, Marache & Company for services in placing said bonds with the purchasers; and

The record having been completed with respect to the services performed by Granbery, Marache & Company; and

The Commission, on the basis of its examination of the record, finding that the payment of said fee to Granbery, Marache & Company in the amount proposed is not unreasonable, and finding it appropriate to release jurisdiction over the payment of said fee to Granbery, Marache & Company:

It is ordered, That jurisdiction heretofore reserved with respect to the payment of a fee of \$7,500 to Granbery, Marache & Company by Investors Telephone in connection with said financing be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.[F. R. Doc. 52-4275; Filed, Apr. 15, 1952;  
8:51 a. m.]

[File No. 70-2834]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE  
ORDER GRANTING AUTHORITY TO AMEND  
ARTICLES OF AGREEMENT AND BY-LAWS  
WITH RESPECT TO PREEMPTIVE RIGHTS  
AND QUORUM REQUIREMENTS; AND TO  
SOLICIT STOCKHOLDERS

APRIL 10, 1952.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed a declaration, and an amendment thereto, pursuant to sections 6 (a) (2), 7 and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-60, U-61, and U-62 promulgated thereunder, with respect to the following transactions:

New Hampshire proposes to amend its Articles of Agreement to provide that each future issue of common stock or of warrants representing rights to subscribe to common stock or of securities convertible into common stock, which the Board of Directors shall have de-

termined to offer for cash other than by a public offering or to or through underwriters or investment bankers who have agreed promptly to make a public offering thereof, shall first be offered pro rata to the holders of the then outstanding common stock.

New Hampshire also proposes to amend its By-laws by changing the requirement for a quorum at meetings of stockholders to a majority of the shares of stock outstanding and entitled to vote at the meeting in each case where one-third of such shares is now required.

New Hampshire further proposes to solicit the holders of its common stock for proxies to be voted at its annual meeting to be held May 8, 1952, or any adjournment thereof, in connection with the above proposals, and the solicitation material to be sent to stockholders has been filed as a part of the declaration. The company also proposes to solicit proxies to be used at such annual meeting, or any adjournment thereof, in connection with a proposal to fix the dividend rate for an additional series of Preferred Stock, \$100 par value, not exceeding 58,000 shares, and to fix the premium which the holders of shares of such series shall be entitled to receive in the event of any voluntary liquidation, dissolution or winding up of the affairs of the company, and upon redemption and retirement of the whole or any part of such new series.

The declaration states that the favorable vote of the holders of two-thirds of the common stock present or represented by proxy and voting at the meeting is required for adoption of the amendment relating to preemptive rights and that the favorable vote of a majority of such stock so present or represented and voting is required for adoption of the amendment relating to quorum requirements. It is represented that New England Public Service Company, holder of 41.9 percent of the outstanding common stock of New Hampshire, will vote in favor of the adoption of these amendments. It is also stated that, under the Articles of Agreement, a vote of the holders of two-thirds of those outstanding shares of common stock which are present or represented by proxy and voting at a meeting duly called for the purpose shall be required to fix the dividend rate and premium payable upon voluntary liquidation of the company or upon redemption of the whole or any part of a new series of the Preferred Stock, \$100 par value. The declaration further states that it is the intention of the persons named as proxies to vote to fix the dividend rate of the new Preferred Stock and the redemption and voluntary premium payable thereon in accordance with the recommendations of the Board of Directors of the company.

The declaration further states that the company believes that it may be desirable to issue and sell for cash, during May or June 1952, a new series of its Preferred Stock, \$100 par value, which will be filed at a later date.

It is represented that the company may, in addition to solicitation by mail and by regular employees or officers of the company, request banks and brok-



ers to solicit beneficial owners, the cost of which is estimated not to exceed \$100.

It is further represented that no State Commission has jurisdiction over the proposed transactions, and that the expenses in connection with the proposed transactions, other than ordinary expenditures for preparing, assembling, and mailing the notice of annual meeting, proxy statement and proxy, will not exceed \$750. The declarant requests that the Commission's order herein be accelerated and become effective upon its issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective and to grant declarant's request that the order herein be accelerated and become effective upon the issuance thereof:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 52-4275; Filed, Apr. 15, 1952;  
8:51 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order P 850]

ARAJIRO AND KIMIYO DANJO

In re: Rights of Arajiro Danjo and of Kimiyo Danjo under an insurance contract.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); the Philippine Property Act of 1946, as amended (22 U. S. C. Sup. 1382); Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.); Executive Order 9818 (3 CFR 1947 Supp.); Executive Order 10254 (16 F. R. 5829, June 19, 1951), and pursuant to law, after investigation, it is hereby found:

1. That Arajiro Danjo and Kimiyo Danjo, who are citizens of Japan, and who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 742,043 issued by the Sun Life Assurance Company of Canada (Philippines Branch), Wilson Building, Juan Luna, Manila, Philippine Islands, to Arajiro Danjo, together with the right to demand, receive and collect said net proceeds, is property within the Philippines, owned or controlled by, payable or deliverable

to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Arajiro Danjo or Kimiyo Danjo, the aforesaid nationals of a designated enemy country (Japan); and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, in accordance with the provisions of said Trading With the Enemy Act, as amended, and said Philippine Property Act of 1946, as amended.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 10, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 52-4280; Filed, Apr. 15, 1952;  
8:53 a. m.]

[Vesting Order P 851]

HIDEO AND KIKU ICHIYANAGI

In re: Rights of Hideo Ichianagi and of Kiku Ichianagi under insurance contract.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); the Philippine Property Act of 1946, as amended (22 U. S. C. Sup. 1382); Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.); Executive Order 9818 (3 CFR 1947 Supp.); Executive Order 10254 (16 F. R. 5829, June 19, 1951), and pursuant to law, after investigation, it is hereby found:

1. That Hideo Ichianagi and Kiku Ichianagi, who are citizens of Japan, and who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 970,680 issued by the Sun Life Assurance Company of Canada (Philippines Branch), Wilson Building, Juan Luna, Manila, Philippine Islands, to Hideo Ichianagi, together with the right to demand, receive and collect said net proceeds, is property

within the Philippines, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hideo Ichianagi or Kiku Ichianagi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, in accordance with the provisions of said Trading With the Enemy Act, as amended, and said Philippine Property Act of 1946, as amended.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 10, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 52-4281; Filed, Apr. 15, 1952;  
8:53 a. m.]

[Vesting Order P 852]

SUYEKICHI AND HARU SUGENO

In re: Rights of Suyekichi Sugeno and of Haru Sugeno under insurance contract.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); the Philippine Property Act of 1946, as amended (22 U. S. C. Sup. 1382); Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.); Executive Order 9818 (3 CFR 1947 Supp.); Executive Order 10254 (16 F. R. 5829, June 19, 1951), and pursuant to law, after investigation, it is hereby found:

1. That Suyekichi Sugeno and Haru Sugeno, who are citizens of Japan, and who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 970,682 issued by the Sun Life Assurance Company of Canada (Philippines Branch), Wilson Building, Juan Luna, Manila Philippine Islands, to Suyekichi Sugeno, together with the right to demand, receive and collect said net proceeds, is property



within the Philippines, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Suyekichi Sugeno or Haru Sugeno, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, in accordance with the provisions of said Trading With the Enemy Act, as amended, and said Philippine Property Act of 1946, as amended.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 10, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 52-4282; Filed, Apr. 15, 1952;  
8:53 a. m.]

[Vesting Order 18832]

#### CERTAIN UNKNOWN JAPANESE NATIONALS

In re: Checks owned by Japanese nationals whose names are unknown. F-39-4090.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 3 hereof, was received by the Civil Property Custodian, Tokyo, Japan, acting for the Supreme Commander for the Allied Powers (S. C. A. P.) Japan, from the Government of Japan;

2. That although the names of the owners of the property described in subparagraph 3 hereof are not available, such persons, who, if individuals, there is reasonable cause to believe are residents of Japan and, if partnerships, corporations, associations, or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal

places of business in Japan, are nationals of a designated enemy country (Japan);

3. That the property described as follows: Those certain checks described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The National City Bank of New York, New York 15, New York, and any and all rights in, to and under including particularly the right to possession and presentation for payment of the aforesaid checks.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 10, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

#### EXHIBIT A

Payee	Check Nos.	Date	Face amount
Fukichi Saiki.....	BA 186629	7-25-41	\$16.34
Ryohichi Ichikawa.....	BA 183702	7-25-41	16.34
Sigetake Fukuyama.....	UG 376357	7-15-41	20.00
Nippon Yusen Kaisha.....	15715	9-17-46	20.00
Goro Kodera.....	86532	7-17-40	98.00
	37674	6-15-40	2.25
	37553	3-15-40	2.25
	38153	9-15-39	2.25
	37559	9-15-40	2.25
	37904	3-15-39	2.25
	38506	6-16-41	2.09
	38247	12-16-40	2.09
	38341	9-16-40	2.09
	38484	3-15-41	4.17
Embador del Japon.....	484136	11-25-41	7.00
The Foreign Office.....			
Tokyo.....	6382	6-16-41	3.45
	6941	7-7-41	1.73
Torakichi Urushibata.....	67354	7-15-41	197.98
Kame Kusu Kimura.....	B 243448	8-3-41	60.00
Kokko Bank of Japan.....	S 703674	4-2-41	12.22
Legaion Del Japon en.....			
Panama.....	A 24906	7-9-41	\$2.00
Satohchi Sakamoto.....	70331462	12-20-40	20.22
Kumbei Kuroda.....	70106181	10-3-40	17.40
Toyochi Nonaka.....	70308798	10-14-40	14.97
Mineru Koto.....	41248	10-30-41	60.00

#### EXHIBIT A—Continued

Payee	Check Nos.	Date	Face amount
Goro Kodera.....	C 40333	9-1-39	\$11.25
	A 40457	3-1-40	11.25
	B 40323	6-1-40	11.25
	C 40842	8-31-40	11.25
	D 40850	11-30-40	11.40
	A 40937	3-1-41	11.40
	B 40951	5-31-41	11.40
	900	10-6-41	124.90
Who's Who in Japan.....			
AALL & Company.....	FT 22830	7-25-41	20.40
Ltd.....	111933	4-27-41	296.70
Nippon Yusen Kaisha.....			
Hana Minabe, Wife of.....			
Mumetaro Minabe, deceased.....	PC 10333	6-15-41	41.62
	PC 9990	3-12-41	901.44
	PC 10318	5-7-41	1923.15
	O 36554	10-1-41	50.00
Kotaro Yoshimura.....			
Mrs. Unltow.....	138760	6-9-41	1.54
The Summitomo Marine & Fire Ins. Co., Ltd.....	PC 226911	6-30-41	30.00
Kiheiho Horio.....			
Keheiji Horio and Tameyo Horio.....	226280	6-23-41	1405.28
Jitsuo Nakanishi.....	312635	8-1-41	100.00
Peter Mizokawa.....	289469	3-31-41	94.30
	315866	4-30-41	94.30
	268927	2-28-41	94.30
Otomatsu Okano.....	5536197	6-30-41	20.18
K. Ebeto.....	18332148	6-30-41	60.00
	18332149	6-30-41	5.00
Tamejiro Murato.....	6452794	6-1-41	46.81
	6605290	7-1-41	46.81
Shigeki Doi.....	17967306	5-31-41	60.00
	18467069	6-30-41	60.00
Segetsugu Uchida.....	344901	5-31-41	61.79
	319847	4-30-41	61.79
	293403	3-31-41	61.79
Noberu Ohara.....	6473350	6-1-41	51.19
	6625770	7-1-41	51.19
Shigekiichi Tadokoro.....	6641765	7-1-41	30.22
Takajiro Kaneda.....	6447702	6-1-41	60.13
	6900185	7-1-41	60.13
Kohara Gehu.....	18475745	6-30-41	60.00
	17970009	5-31-41	60.00
Goichiro Takasa.....	6632028	7-1-41	30.40
	6479622	6-1-41	30.40
Hanshiro Shibata.....	318553	4-30-41	94.30
	292118	3-31-41	94.30
Otto Mataichi.....	6474808	6-1-41	67.42
	6627223	7-1-41	67.42
Machi Hirase Masuya Kuga, as guardian of estate of Yano Kuga Case of Shinkichi Miyamoto.....	17790223	5-31-41	56.00
	18218334	6-30-41	30.00
	17790288	5-31-41	30.00
Mitsu Goto.....	18201443	6-30-41	30.00
	338682	5-31-41	94.30
Matsuji Hori.....	17710281	5-31-41	30.00
Haru Kogano.....	18206356	6-30-41	30.00
Iwanoski Kuga.....	339198	5-31-41	69.29
Nakano Inai.....	338288	5-31-41	84.85
Katsumasa Ikeda.....	318327	4-30-41	84.85
	338281	5-31-41	84.85
Hichino Watanabe, as unmarried widow of Kink Watanabe.....	18250722	6-30-41	54.00
Mrs. Sakaki Yokota, unmarried widow of Mitsugi Yokota.....			
	18117754	6-30-41	60.00
	17618648	5-31-41	60.00
	338309	5-31-41	84.85
	313353	4-30-41	84.85
Torahiko Isaki.....			
Yoshino A. Iwatake, as mother of Masaru Iwatake.....	6330919	5-31-41	9.95
Yoshino A. Iwatake, as mother of Miyeko Iwatake.....	6330920	5-31-41	9.95
Yoshino A. Iwatake, as mother of Takashi Iwatake.....	6330921	5-31-41	9.95
Yoshino A. Iwatake, as unmarried widow of Tamotsu Iwatake.....	6330922	5-31-41	14.95
Yoshino A. Iwatake, as mother of Masaru Iwatake.....	6330923	6-30-41	9.95
Yoshino A. Iwatake, as mother of Miyeko Iwatake.....	6330924	6-30-41	9.95
Yoshino A. Iwatake, as mother of Takashi Iwatake.....	6330925	6-30-41	9.95
Yoshino A. Iwatake, as unmarried widow of Tamotsu Iwatake.....	6330926	6-30-41	14.95
Makiyo Yamamoto.....	6623076	7-1-41	45.12
	6469646	6-1-41	45.12

[F. R. Doc. 52-4286; Filed, Apr. 15, 1952;  
8:54 a. m.]